

HOUSE BILL NO. 279

INTRODUCED BY J. HAMMOND, WALDRON, LANE

BY REQUEST OF THE DEPARTMENT OF INSTITUTIONS

IN THE HOUSE

January 17, 1983	Introduced and referred to Committee on Human Services.
January 26, 1983	Committee recommend bill do pass. Report adopted.
January 27, 1983	Bill printed and placed on members' desks.
January 29, 1983	Second reading, do pass.
January 31, 1983	Considered correctly engrossed.
February 1, 1983	Third reading, passed. Transmitted to Senate.

IN THE SENATE

February 2, 1983	Introduced and referred to Committee on Public Health, Welfare and Safety.
March 23, 1983	Committee recommend bill be concurred in as amended. Report adopted.
March 24, 1983	Second reading, concurred in.
March 28, 1983	Third reading, concurred in. Ayes, 47; Noes, 0.

IN THE HOUSE

March 28, 1983

Returned to House with
amendments.

April 1, 1983

Second reading, amendments
concurred in.

April 4, 1983

Third reading, amendments
concurred in.

Sent to enrolling.

Reported correctly enrolled.

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 2 INTRODUCED BY Harmond Walden LANE
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 6 PRIVATE ALCOHOL PROGRAMS TO BE STATE-APPROVED; DENYING
 7 ELIGIBILITY FOR PUBLIC FUNDS TO PRIVATE ALCOHOLISM PROGRAMS
 8 ORGANIZED FOR PROFIT; AND ELIMINATING THE REQUIREMENT FOR
 9 INTERMEDIATE (HALFWAY HOUSE) CARE BEFORE THE PROVISION OF
 10 INPATIENT CARE; AMENDING SECTIONS 53-24-103, 53-24-108,
 11 53-24-206, AND 53-24-209, MCA."
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 13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 14 Section 1. Section 53-24-103, MCA, is amended to read:
 15 "53-24-103. Definitions. For purposes of this chapter,
 16 the following definitions apply:
 17 (1) "Alcoholic" means a person who has a chronic
 18 illness or disorder of behavior characterized by repeated
 19 drinking of alcoholic beverages to the extent that it
 20 endangers the health, interpersonal relationships, or
 21 economic function of the individual or public health,
 22 welfare, or safety.
 23 (2) "Approved private treatment facility" means a
 24 private ~~nonprofit~~ agency, ~~receiving public funds~~ (whose
 25 function is the treatment, rehabilitation, and prevention of

1 alcoholism and drug dependence) meeting the standards
 2 prescribed in 53-24-208(1) and approved under 53-24-208.
 3 (3) "Approved public treatment facility" means:
 4 (a) a treatment agency operating under the direction
 5 and control of the department as a state agency and approved
 6 under 53-24-208; or
 7 (b) a treatment agency operating under the direction
 8 and control of a local government and approved under
 9 53-24-208.
 10 (4) "Department" means the department of institutions
 11 provided for in 2-15-2301.
 12 (5) "Family member" is the spouse, mother, father,
 13 child, or member of the household of an alcoholic whose life
 14 has been affected by the actions of the alcoholic and may
 15 require treatment.
 16 (6) "Incapacitated by alcohol" means that a person, as
 17 a result of the use of alcohol, is unconscious or has his
 18 judgment otherwise so impaired that he is incapable of
 19 realizing and making a rational decision with respect to his
 20 need for treatment.
 21 (7) "Incompetent person" means a person who has been
 22 adjudged incompetent by the district court.
 23 (8) "Intoxicated person" means a person whose mental
 24 or physical functioning is substantially impaired as a
 25 result of the use of alcohol.

INTRODUCED BILL

HB 279

1 (9) "Prevention" has meaning on four levels; these
2 are:

3 (a) education to provide information to the school
4 children and general public relating to alcohol dependence
5 and alcoholism, treatment, and rehabilitative services and
6 to reduce the consequences of life experiences acquired by
7 contact with an alcoholic;

8 (b) early detection and recovery from the illness
9 before lasting emotional or physical damage, or both, have
10 occurred;

11 (c) if lasting emotional or physical damage, or both,
12 have occurred, to arrest the illness before full disability
13 has been reached;

14 (d) the provision of facility requirements to meet
15 division program standards and improve public accessibility
16 for services.

17 (10) "Treatment" means the broad range of emergency,
18 outpatient, intermediate, and inpatient services and cares,
19 including diagnostic evaluation, medical, psychiatric,
20 psychological, and social service care, vocational
21 rehabilitation, and career counseling, which may be extended
22 to alcoholics, intoxicated persons, and family members."

23 Section 2. Section 53-24-108, MCA, is amended to read:

24 "53-24-108. Utilization of funds generated by taxation
25 on alcoholic beverages. (1) Revenue generated by 16-1-404,

1 16-1-406, and 16-1-408 to state-approved private nonprofit
2 or public programs whose function is the treatment,
3 rehabilitation, and prevention of alcoholism may be
4 distributed in either of the following manners:

5 (a) as payment of fees for alcoholism services
6 provided by state-approved private nonprofit or public
7 alcoholism programs and licensed hospitals for
8 detoxification services; or

9 (b) as grants to state-approved private nonprofit or
10 public alcoholism programs.

11 ~~(2) State-approved private chemical programs organized~~
12 ~~for profit are not eligible for revenue generated by~~
13 ~~16-1-404, 16-1-406, and 16-1-408.~~

14 ~~(2)(3)~~ No person operating a state-approved alcoholism
15 program may be required to provide matching funds as a
16 condition of receiving a grant under subsection (1) of this
17 section.

18 ~~(3)(5)~~ In addition to funding received under this
19 section, a person operating a state-approved alcoholism
20 program may accept gifts, bequests, or the donation of
21 services or money for the treatment, rehabilitation, or
22 prevention of alcoholism.

23 ~~(4)(2)~~ No person receiving funding under this section
24 to support operation of a state-approved alcoholism program
25 may refuse alcoholism treatment, rehabilitation, or

1 prevention services to a person solely because of that
2 person's inability to pay for those services.

3 ~~(5)(6)~~ A grant made under this section is subject to
4 the following conditions:

5 (a) The grant application must contain an estimate of
6 all program income, including income from earned fees,
7 gifts, bequests, donations, and grants from other than state
8 sources during the period for which grant support is sought.

9 (b) Whenever, during the period of grant support,
10 program income exceeds the amount estimated in the grant
11 application, the amount of the excess shall be reported to
12 the grantor.

13 (c) The excess shall be used by the grantee under the
14 terms of the grant in accordance with one or a combination
15 of the following options:

16 (i) use for any purpose that furthers the objectives
17 of the legislation under which the grant was made; or

18 (ii) to allow program growth through the expansion of
19 services or for capital expenditures necessary to improve
20 facilities where services are provided.

21 ~~(6)(7)~~ Revenue generated by 16-1-404, 16-1-406, and
22 16-1-408 for the treatment, rehabilitation, and prevention
23 of alcoholism which has not been encumbered for those
24 purposes by the counties of Montana or the department shall
25 be returned to the state's earmarked revenue fund for the

1 treatment, rehabilitation, and prevention of alcoholism
2 within 30 days after the close of each fiscal year and will
3 be distributed by the department the following year as
4 provided in 53-24-206(3)(b)."

5 Section 3. Section 53-24-206, MCA, is amended to read:

6 "53-24-206. Administration of financial assistance.

7 (1) The department may apply for and receive grants,
8 allotments, or allocations of funds or other assistance for
9 purposes pertaining to the problems of alcoholism and drug
10 dependence or related social problems under laws and rules
11 of the United States, any other state, or any private
12 organization.

13 (2) The department may cooperate with any other
14 government agency or private organization in programs on
15 alcoholism and drug dependence or related social problems.
16 In carrying out cooperative programs, the department may
17 make grants of financial assistance to government agencies
18 and private organizations under terms and conditions agreed
19 upon.

20 (3) (a) In administering proceeds derived from the
21 liquor license tax or the beer license tax, the department
22 shall distribute those funds appropriated by the
23 legislature. Money that is appropriated for distribution to
24 approved private nonprofit or public programs on a
25 discretionary basis shall be distributed to those programs

1 that can demonstrate that:

2 (i) the program is achieving the goals and objectives
3 mutually agreed upon by the program and the department; and

4 (ii) the receipt of additional funds would be
5 justified.

6 (b) The remainder of the proceeds shall be distributed
7 to the counties for use by approved private nonprofit or
8 public programs in the following manner:

9 (i) Eighty-five percent shall be allocated according
10 to the proportion of each county's population to the state's
11 population according to the most recent United States
12 census.

13 (ii) Fifteen percent shall be allocated according to
14 the proportion of the county's land area to the state's land
15 area.

16 (c) Money distributed under subsection (3) may only be
17 used for purposes pertaining to the problems of alcoholism
18 ~~or related social problems.~~

19 Section 4. Section 53-24-209, MCA, is amended to read:

20 "53-24-209. Rules for acceptance for treatment. The
21 department shall adopt rules for acceptance of persons into
22 the treatment program, considering available treatment
23 resources and facilities, for the purpose of early and
24 effective treatment of alcoholics, intoxicated persons, and
25 family members. In adopting the rules, the department shall

1 be guided by the following standards:

2 (1) If possible a patient shall be treated on a
3 voluntary rather than an involuntary basis.

4 (2) A patient shall be initially assigned or
5 transferred to outpatient ~~or intermediate~~ treatment unless
6 he is found to require inpatient treatment.

7 (3) A person shall not be denied treatment solely
8 because he has withdrawn from treatment against medical
9 advice on a prior occasion or because he has relapsed after
10 earlier treatment.

11 (4) An individualized treatment plan shall be prepared
12 and maintained on a current basis for each person.

13 (5) Provision shall be made for a continuum of
14 coordinated treatment services so that a person who leaves a
15 facility or a form of treatment will have available and
16 utilize other appropriate treatment."

-End-

STATE OF MONTANA

REQUEST NO. 147-83

FISCAL NOTE

Form BD-15

In compliance with a written request received January 19, 19 83, there is hereby submitted a Fiscal Note for House Bill 279 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:

House Bill 279 requires private-for-profit alcoholism treatment facilities to be evaluated by the Alcohol and Drug Abuse Division in order to be approved treatment facilities; denies eligibility for public funds to private-for-profit alcoholism programs; and eliminates the requirement for intermediate care before the provision of inpatient care.

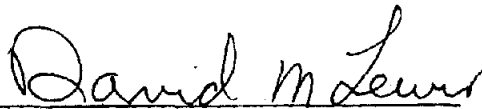
ASSUMPTIONS:

- 1) Assumes increased evaluation responsibilities of the Alcohol and Drug Abuse Division would be absorbed by existing staff.

FISCAL IMPACT:

This bill has no fiscal impact on revenues and expenditures budgeted for alcohol programs and the Alcohol and Drug Abuse Division. No state funds are currently used for private-for-profit alcoholism programs. Any added work would be absorbed by current staff.

FISCAL NOTE 6:D/1



BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 1-25-83

approved by Comm. on Human Services

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8 because he has withdrawn from treatment against medical
9 advice on a prior occasion or because he has relapsed after
10 earlier treatment.

11 (4) An individualized treatment plan shall be prepared
12 and maintained on a current basis for each person.

13 (5) Provision shall be made for a continuum of
14 coordinated treatment services so that a person who leaves a
15 facility or a form of treatment will have available and
16 utilize other appropriate treatment."

-End-

March 23, 1983

SENATE STANDING COMMITTEE REPORT
(Public Health, Welfare & Safety)

That House Bill No. 279 be amended as follows:

1. Title, line 11.

Following: "MCA"

Insert: ", AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

2. Page 8,

Following: Line 16.

Insert: "Section 5. Effective date. This act is effective
upon passage and approval."

HOUSE BILL NO. 279

INTRODUCED BY J. HAMMOND, MALORON, LANE

BY REQUEST OF THE DEPARTMENT OF INSTITUTIONS

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING ALL PUBLIC AND PRIVATE ALCOHOL PROGRAMS TO BE STATE-APPROVED; DENYING ELIGIBILITY FOR PUBLIC FUNDS TO PRIVATE ALCOHOLISM PROGRAMS ORGANIZED FOR PROFIT; AND ELIMINATING THE REQUIREMENT FOR INTERMEDIATE (HALFWAY HOUSE) CARE BEFORE THE PROVISION OF INPATIENT CARE; AMENDING SECTIONS 53-24-103, 53-24-108, 53-24-206, AND 53-24-209, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 53-24-103, MCA, is amended to read:

"53-24-103. Definitions. For purposes of this chapter, the following definitions apply:

(1) "Alcoholic" means a person who has a chronic illness or disorder of behavior characterized by repeated drinking of alcoholic beverages to the extent that it endangers the health, interpersonal relationships, or economic function of the individual or public health, welfare, or safety.

(2) "Approved private treatment facility" means a private nonprofit agency, ~~receiving public funds~~ (whose

function is the treatment, rehabilitation, and prevention of alcoholism and drug dependence) meeting the standards prescribed in 53-24-208(1) and approved under 53-24-208.

(3) "Approved public treatment facility" means:

(a) a treatment agency operating under the direction and control of the department as a state agency and approved under 53-24-208; or

(b) a treatment agency operating under the direction and control of a local government and approved under 53-24-208.

(4) "Department" means the department of institutions provided for in 2-15-2301.

(5) "Family member" is the spouse, mother, father, child, or member of the household of an alcoholic whose life has been affected by the actions of the alcoholic and may require treatment.

(6) "Incapacitated by alcohol" means that a person, as a result of the use of alcohol, is unconscious or has his judgment otherwise so impaired that he is incapable of realizing and making a rational decision with respect to his need for treatment.

(7) "Incompetent person" means a person who has been adjudged incompetent by the district court.

(8) "Intoxicated person" means a person whose mental or physical functioning is substantially impaired as a

1 result of the use of alcohol.

2 (9) "Prevention" has meaning on four levels; these
3 are:

4 (a) education to provide information to the school
5 children and general public relating to alcohol dependence
6 and alcoholism, treatment, and rehabilitative services and
7 to reduce the consequences of life experiences acquired by
8 contact with an alcoholic;

9 (b) early detection and recovery from the illness
10 before lasting emotional or physical damage, or both, have
11 occurred;

12 (c) if lasting emotional or physical damage, or both,
13 have occurred, to arrest the illness before full disability
14 has been reached;

15 (d) the provision of facility requirements to meet
16 division program standards and improve public accessibility
17 for services.

18 (10) "Treatment" means the broad range of emergency,
19 outpatient, intermediate, and inpatient services and care,
20 including diagnostic evaluation, medical, psychiatric,
21 psychological, and social service care, vocational
22 rehabilitation, and career counseling, which may be extended
23 to alcoholics, intoxicated persons, and family members."

24 Section 2. Section 53-24-108, MCA, is amended to read:

25 "53-24-108. Utilization of funds generated by taxation

1 on alcoholic beverages. (1) Revenue generated by 16-1-404,
2 16-1-406, and 16-1-408 to state-approved private nonprofit
3 or public programs whose function is the treatment,
4 rehabilitation, and prevention of alcoholism may be
5 distributed in either of the following manners:

6 (a) as payment of fees for alcoholism services
7 provided by state-approved private nonprofit or public
8 alcoholism programs and licensed hospitals for
9 detoxification services; or

10 (b) as grants to state-approved private nonprofit or
11 public alcoholism programs.

12 ~~(2) State-approved private chemical programs organized~~
13 ~~for profit are not eligible for revenue generated by~~
14 ~~16-1-404, 16-1-406, and 16-1-408.~~

15 ~~(2)(3)~~ No person operating a state-approved alcoholism
16 program may be required to provide matching funds as a
17 condition of receiving a grant under subsection (1) of this
18 section.

19 ~~(3)(4)~~ In addition to funding received under this
20 section, a person operating a state-approved alcoholism
21 program may accept gifts, bequests, or the donation of
22 services or money for the treatment, rehabilitation, or
23 prevention of alcoholism.

24 ~~(4)(5)~~ No person receiving funding under this section
25 to support operation of a state-approved alcoholism program

1 may refuse alcoholism treatment, rehabilitation, or
2 prevention services to a person solely because of that
3 person's inability to pay for those services.

4 ~~(5)(6)~~ A grant made under this section is subject to
5 the following conditions:

6 (a) The grant application must contain an estimate of
7 all program income, including income from earned fees,
8 gifts, bequests, donations, and grants from other than state
9 sources during the period for which grant support is sought.

10 (b) Whenever, during the period of grant support,
11 program income exceeds the amount estimated in the grant
12 application, the amount of the excess shall be reported to
13 the grantor.

14 (c) The excess shall be used by the grantee under the
15 terms of the grant in accordance with one or a combination
16 of the following options:

17 (i) use for any purpose that furthers the objectives
18 of the legislation under which the grant was made; or

19 (ii) to allow program growth through the expansion of
20 services or for capital expenditures necessary to improve
21 facilities where services are provided.

22 ~~(6)(7)~~ Revenue generated by 16-1-404, 16-1-406, and
23 16-1-408 for the treatment, rehabilitation, and prevention
24 of alcoholism which has not been encumbered for those
25 purposes by the counties of Montana or the department shall

1 be returned to the state's earmarked revenue fund for the
2 treatment, rehabilitation, and prevention of alcoholism
3 within 30 days after the close of each fiscal year and will
4 be distributed by the department the following year as
5 provided in 53-24-206(3)(b)."

6 Section 3. Section 53-24-206, MCA, is amended to read:
7 "53-24-206. Administration of financial assistance.

8 (1) The department may apply for and receive grants,
9 allotments, or allocations of funds or other assistance for
10 purposes pertaining to the problems of alcoholism and drug
11 dependence or related social problems under laws and rules
12 of the United States, any other state, or any private
13 organization.

14 (2) The department may cooperate with any other
15 government agency or private organization in programs on
16 alcoholism and drug dependence or related social problems.
17 In carrying out cooperative programs, the department may
18 make grants of financial assistance to government agencies
19 and private organizations under terms and conditions agreed
20 upon.

21 (3) (a) In administering proceeds derived from the
22 liquor license tax or the beer license tax, the department
23 shall distribute those funds appropriated by the
24 legislature. Money that is appropriated for distribution to
25 approved private, nonprofit, or public programs on a

discretionary basis shall be distributed to those programs that can demonstrate that:

(i) the program is achieving the goals and objectives mutually agreed upon by the program and the department; and

(ii) the receipt of additional funds would be justified.

(b) The remainder of the proceeds shall be distributed to the counties for use by approved private nonprofit or public programs in the following manner:

(i) Eighty-five percent shall be allocated according to the proportion of each county's population to the state's population according to the most recent United States census.

(ii) Fifteen percent shall be allocated according to the proportion of the county's land area to the state's land area.

(c) Money distributed under subsection (3) may only be used for purposes pertaining to the problems of alcoholism ~~or-related-social-problems.~~

Section 4. Section 53-24-209, MCA, is amended to read:

"53-24-209. Rules for acceptance for treatment. The department shall adopt rules for acceptance of persons into the treatment program, considering available treatment resources and facilities, for the purpose of early and effective treatment of alcoholics, intoxicated persons, and

family members. In adopting the rules, the department shall be guided by the following standards:

(1) If possible a patient shall be treated on a voluntary rather than an involuntary basis.

(2) A patient shall be initially assigned or transferred to outpatient ~~or-intermediate~~ treatment unless he is found to require inpatient treatment.

(3) A person shall not be denied treatment solely because he has withdrawn from treatment against medical advice on a prior occasion or because he has relapsed after earlier treatment.

(4) An individualized treatment plan shall be prepared and maintained on a current basis for each person.

(5) Provision shall be made for a continuum of coordinated treatment services so that a person who leaves a facility or a form of treatment will have available and utilize other appropriate treatment."

SECTION 5. EFFECTIVE DATE. THIS ACT IS EFFECTIVE ON
PASSAGE AND APPROVAL.

-End-