

SENATE BILL NO. 256

Introduced: 01/22/83

Referred to Committee on Public Health, Welfare, & Safety:

01/22/83

Died in Committee.

1 *State* BILL NO. 256
 2 INTRODUCED BY *Stuy*
 3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO SPECIFICALLY
 5 AUTHORIZE THE DEPARTMENT OF SOCIAL AND REHABILITATION
 6 SERVICES TO PROVIDE A NEW LEVEL OF COMMUNITY SERVICES, TO BE
 7 KNOWN AS ENHANCED CARE, FOR PERSONS WHO ARE DEVELOPMENTALLY
 8 DISABLED; AMENDING SECTIONS 53-20-202 AND 53-20-205, MCA."
 9
 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 11 Section 1. Section 53-20-202, MCA, is amended to read:
 12 "53-20-202. Definitions. As used in this part, the
 13 following definitions apply:
 14 (1) "Comprehensive developmental disability system"
 15 means a system of services, including but not limited to the
 16 following basic services, with the intention of providing
 17 alternatives to institutionalization:
 18 (a) evaluation services;
 19 (b) diagnostic services;
 20 (c) treatment services;
 21 (d) day-care services;
 22 (e) training services;
 23 (f) education services;
 24 (g) employment services;
 25 (h) recreation services;

1 (i) personal-care services;
 2 (j) domiciliary-care services;
 3 (k) special living arrangements services;
 4 (l) counseling services;
 5 (m) information and referral services;
 6 (n) follow-along services;
 7 (o) protective and other social and sociolegal
 8 services; and
 9 (p) transportation services.
 10 (2) "Department" means the department of social and
 11 rehabilitation services.
 12 (3) "Developmental disabilities" means disabilities
 13 attributable to mental retardation, cerebral palsy,
 14 epilepsy, autism, or any other neurological handicapping
 15 condition closely related to mental retardation and
 16 requiring treatment similar to that required by mentally
 17 retarded individuals if the disability originated before the
 18 person attained age 18, has continued or can be expected to
 19 continue indefinitely, and constitutes a substantial
 20 handicap of the person.
 21 (4) "Developmental disabilities facility" means any
 22 service or group of services offering care to the
 23 developmentally disabled on an inpatient, outpatient,
 24 residential, clinical, or other programmatic basis.
 25 (5) "Enhanced care" means an intensive level of care

1 provided through the services of the comprehensive
 2 developmental disability system to developmentally disabled
 3 persons who, due to special physiological and social
 4 problems, are determined to be in need of such care. This
 5 level of care is characterized by the utilization of
 6 specially trained and qualified staff, the availability of
 7 special support services, high levels of staffing and
 8 supervision, specific service standards, and comprehensive
 9 periodic program performance evaluations.

10 ~~(5)(6)~~ "Planning and advisory council" or "council"
 11 means the developmental disabilities planning and advisory
 12 council created in 2-15-2204(1), (2), (3), and (10)."

13 Section 2. Section 53-20-205, MCA, is amended to read:

14 "53-20-205. Community services. (1) The department may
 15 establish and administer community comprehensive services,
 16 programs, clinics, or other facilities throughout the state
 17 for the purpose of aiding in the prevention, diagnosis,
 18 amelioration, or treatment of developmental disabilities.
 19 Programs, clinics, or other services may be provided
 20 directly by state agencies or indirectly through contract or
 21 cooperative arrangements with other agencies of government,
 22 regional or local, private or public agencies, private
 23 professional persons, or accredited health or long-term care
 24 facilities.

25 (2) The department may establish and administer

1 enhanced care services as an alternative to institutional
 2 services for persons who are developmentally disabled. The
 3 department may provide, directly or indirectly, for the
 4 delivery of enhanced care services in an integrated
 5 community setting.

6 ~~(2)(3)~~ The department may contract for programs for
 7 developmental disabilities services. Contracts entered into
 8 by the department shall contain specific conditions for
 9 performance by the contractor. It shall set minimum
 10 standards for programs and establish appropriate
 11 qualifications for persons employed in such programs.

12 ~~(3)(4)~~ All developmental disabilities facilities and
 13 services shall comply with existing federal guidelines and
 14 with requirements which will enable the services and
 15 facilities to qualify for available aid funds. However,
 16 nothing herein requires facilities serving the
 17 developmentally disabled to meet the same or equal standards
 18 as licensed medical facilities unless the developmental
 19 disabilities facility is providing professional or skilled
 20 medical care.

21 ~~(4)(5)~~ Comprehensive services, programs, clinics, or
 22 other facilities established or provided by the department
 23 under this part shall conform as nearly as possible to the
 24 plans of the advisory council created under 2-15-2204 and
 25 the regional councils provided for in 53-20-207.

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1 ~~(5)(6)~~ The department may promote scientific and
2 medical research investigations relative to the incidence,
3 cause, prevention, and care of persons with developmental
4 disabilities."

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