

SENATE BILL NO. 447

INTRODUCED BY NORMAN, PAVLOVICH, WILLIAMS, WINSLOW

BY REQUEST OF SJR 34 LEGISLATIVE STUDY COMMITTEE

IN THE SENATE

February 16, 1983	Introduced and referred to Committee on Public Health, Welfare and Safety.
February 18, 1983	Committee recommend bill do pass as amended. Report adopted. Statement of Intent attached.
February 19, 1983	Bill printed and placed on members' desks.
February 22, 1983	Second reading, do pass. Correctly engrossed.
February 23, 1983	Third reading, passed. Ayes, 49; Noes, 0. Transmitted to House.

IN THE HOUSE

February 28, 1983	Introduced and referred to Committee on Human Services.
March 17, 1983	Committee recommend bill be concurred in. Report adopted.
March 22, 1983	Second reading, concurred in.
March 23, 1983	Third reading, concurred in.

IN THE SENATE

March 24, 1983

Returned to Senate. Sent to
enrolling.

Reported correctly enrolled.

1 *Senate* BILL NO. *447*
2 INTRODUCED BY *Norman Patrick Williams*
3 BY REQUEST OF *Winstanley* SJR 34 LEGISLATIVE STUDY COMMITTEE

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR ONE-STEP
6 LICENSING OF CERTAIN FACILITIES UNDER THE DEPARTMENTS OF
7 HEALTH AND ENVIRONMENTAL SCIENCES, SOCIAL AND REHABILITATION
8 SERVICES, AND INSTITUTIONS."

9
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 Section 1. Definitions. As used in [this act], the
12 following definitions apply:

13 (1) "Department" means the department of institutions,
14 the department of health and environmental sciences, and the
15 department of social and rehabilitation services.

16 (2) "Facility" means:

17 (a) for the department of institutions, nonmedical
18 facilities including:

19 (i) mental health transitional living facilities; and

20 (ii) inpatient or intermediate transitional living
21 facilities for alcohol/drug treatment or emergency
22 detoxification;

23 (b) for the department of social and rehabilitation
24 services:

25 (i) adult services homes for the developmentally

1 disabled, adult independent and semi-independent living
2 facilities, and adult foster care facilities;

3 (ii) children's services achievement homes, maternity
4 homes, attention homes, aftercare group homes, district
5 youth guidance homes, foster family care facilities,
6 child-care agencies, and community homes for the
7 developmentally disabled;

8 (c) for the department of health and environmental
9 sciences:

10 (i) public accommodations, including roominghouses and
11 retirement homes, hotels, and motels;

12 (ii) health care facilities or services, including
13 hospitals, skilled and intermediate nursing home services,
14 and intermediate care nursing home services for the mentally
15 retarded;

16 (iii) freestanding medical facilities or care,
17 including infirmaries, kidney treatment centers, and home
18 health agencies; and

19 (iv) personal care facilities.

20 Section 2. One-step licensing. Each department shall
21 provide one-step licensing of all facilities under its
22 jurisdiction. One-step licensing is at a minimum the
23 provision of a designated office within the department or,
24 by agreement between departments, in another department,
25 responsible for issuing facility licenses. The one-step

1 licensing office shall facilitate intradepartmental
2 certifications for licensure. When practicable, one-step
3 licensure also includes:

4 (1) the coordination of all governmental licensing
5 functions, state and local, required for the licensure of a
6 facility for a program or a service and for health and
7 safety standards. The coordination must include at a
8 minimum the names, addresses, and functions of all
9 governmental authorities enforcing such standards and may
10 include the requirement that the responsible office be a
11 clearinghouse for all forms and applications for other
12 agencies and for assuming the responsibility for insuring
13 timely inspections, reviews, and application processing by
14 other agencies.

15 (2) the use of departmental employees to inspect
16 specified types of facilities for particular health and
17 safety standards as provided in [section 3].

18 Section 3. Inspections by departmental employees. (1)
19 Each department may, by joint rule with a state agency or by
20 interlocal agreement with other governmental entities,
21 authorize departmental employees to perform specific health
22 and safety inspections for certain classes of facilities
23 under the jurisdiction of another department or agency.
24 Such inspections may be limited by type of facility, scope
25 of inspection, and type of inspection, such as original

1 application, renewal application, routine or unannounced
2 inspection, or other identifiable inspection situations.

3 (2) The inspecting authority, prior to authorizing
4 employees of another department or agency to make an
5 inspection, may require minimal standards of knowledge or
6 training relevant to the type of inspection to be conducted.
7 The inspecting authority may require periodic reexamination
8 of such employees for necessary knowledge and ability.

9 (3) The inspecting authority delegates authority to
10 the employees of another department or agency and is
11 responsible for the quality of the inspections. The
12 inspecting authority shall perform an inspection delegated
13 to such an employee if the other department or agency or the
14 head of the facility believes that the inspection situation
15 is unique or that the employee is in error. The result of
16 an inspection by the inspecting authority takes precedence
17 over an inspection by an employee of another department or
18 agency.

-End-

1 STATEMENT OF INTENT

2 SENATE BILL 447

3 Senate Public Health, Welfare and Safety Committee

4
5 Senate Bill 447 requires a statement of intent because
6 it authorizes the departments of health and environmental
7 sciences, social and rehabilitation services, and
8 institutions to adopt joint rules which would enable the
9 agencies to coordinate their reviews of certain residential
10 facilities over which they have jurisdiction. The intent of
11 the legislature is that such rules will address cooperative
12 review mechanisms, utilization of personnel, qualifications
13 of inspectors, and delegation of review authority to other
14 agencies. These rules will not affect the substantive
15 standards or criteria under which the regulated facilities
16 operate.

SECOND READING

SB 447

Approved by Committee
on Public Health, Welfare
& Safety

SENATE BILL NO. 447

INTRODUCED BY NORMAN, PAVLOVICH, WILLIAMS,

WINSLOW

BY REQUEST OF SJR 34 LEGISLATIVE STUDY COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR ONE-STEP
LICENSING OF CERTAIN FACILITIES UNDER THE DEPARTMENTS OF
HEALTH AND ENVIRONMENTAL SCIENCES, SOCIAL AND REHABILITATION
SERVICES, AND INSTITUTIONS."

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

Section 1. Definitions. As used in [this act], the
following definitions apply:

(1) "Department" means the department of institutions,
the department of health and environmental sciences, and the
department of social and rehabilitation services.

(2) "Facility" means:

(a) for the department of institutions, nonmedical
facilities including:

(i) mental health transitional living facilities; and

(ii) inpatient FREESTANDING or intermediate
transitional living facilities for alcohol/drug treatment or
emergency detoxification;

(b) for the department of social and rehabilitation
services:

(i) adult services homes for the developmentally
disabled, adult independent and semi-independent living
facilities, and adult foster care facilities;

(ii) children's services achievement homes, maternity
homes, attention homes, aftercare group homes, district
youth guidance homes, foster family care facilities,
child-care agencies, and community homes for the
developmentally disabled;

(c) for the department of health and environmental
sciences:

(i) public accommodations, including roominghouses and
retirement homes, hotels, and motels;

(ii) health care facilities or services, including
hospitals, skilled and intermediate nursing home services,
and intermediate care nursing home services for the mentally
retarded;

(iii) freestanding medical facilities or care,
including infirmaries, kidney treatment centers, and home
health agencies; and

(iv) personal care facilities.

(3) "INSPECTING AUTHORITY" MEANS THE DEPARTMENT OR
AGENCY AUTHORIZED BY STATUTE TO PERFORM A GIVEN INSPECTION
NECESSARY FOR CERTIFICATION FOR LICENSURE.

(4) "LICENSING AGENCY" MEANS THE AGENCY THAT IS
AUTHORIZED BY STATUTE TO ISSUE THE LICENSE.

1 Section 2. One-step licensing. Each department shall
 2 provide one-step licensing of all facilities under its
 3 jurisdiction. One-step licensing is at a minimum the
 4 provision of a designated office within the department or,
 5 by agreement between departments, in another department,
 6 responsible for issuing facility licenses. The one-step
 7 licensing office shall facilitate intradepartmental
 8 certifications for licensure. When practicable, one-step
 9 licensure also includes:

10 (1) the coordination of all governmental licensing
 11 functions, state and local, required for the licensure of a
 12 facility for a program or a service and for health and
 13 safety standards. The coordination must include at a
 14 minimum the names, addresses, and functions of all
 15 governmental authorities enforcing such standards and may
 16 include the requirement that the responsible office be a
 17 clearinghouse for all forms and applications for other
 18 agencies and for assuming the responsibility for insuring
 19 timely inspections, reviews, and application processing by
 20 other agencies.

21 (2) the use of departmental employees to inspect
 22 specified types of facilities for particular health and
 23 safety standards as provided in [section 3].

24 Section 3. Inspections by departmental employees. (1)
 25 Each department may, by joint rule with a state agency or by

1 interlocal agreement with other governmental entities,
 2 authorize departmental employees to perform specific health
 3 and safety inspections for certain classes of facilities
 4 under the jurisdiction of another department or agency.
 5 Such inspections may be limited by type of facility, scope
 6 of inspection, and type of inspection, such as original
 7 application, renewal application, routine or unannounced
 8 inspection, or other identifiable inspection situations.

9 (2) The inspecting authority, prior to authorizing
 10 employees of another department or agency to make an
 11 inspection, may require minimal standards of knowledge or
 12 training relevant to the type of inspection to be conducted.
 13 The inspecting authority may require periodic reexamination
 14 of such employees for necessary knowledge and ability.

15 (3) The inspecting authority delegates authority to
 16 the employees of another department or agency and is
 17 responsible for the quality of the inspections. The
 18 inspecting authority shall perform an inspection delegated
 19 to such an employee if the other department or agency or the
 20 head of the facility believes that the inspection situation
 21 is unique or that the employee is in error. The result of
 22 an inspection by the inspecting authority takes precedence
 23 over an inspection by an employee of another department or
 24 agency.

-End-

1 STATEMENT OF INTENT

2 SENATE BILL 447

3 Senate Public Health, Welfare and Safety Committee

4
5 Senate Bill 447 requires a statement of intent because
6 it authorizes the departments of health and environmental
7 sciences, social and rehabilitation services, and
8 institutions to adopt joint rules which would enable the
9 agencies to coordinate their reviews of certain residential
10 facilities over which they have jurisdiction. The intent of
11 the legislature is that such rules will address cooperative
12 review mechanisms, utilization of personnel, qualifications
13 of inspectors, and delegation of review authority to other
14 agencies. These rules will not affect the substantive
15 standards or criteria under which the regulated facilities
16 operate.

THIRD READING

SB447

SENATE BILL NO. 447

INTRODUCED BY NORMAN, PAVLOVICH, WILLIAMS,

WINSLOW

BY REQUEST OF SJR 34 LEGISLATIVE STUDY COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR ONE-STEP LICENSING OF CERTAIN FACILITIES UNDER THE DEPARTMENTS OF HEALTH AND ENVIRONMENTAL SCIENCES, SOCIAL AND REHABILITATION SERVICES, AND INSTITUTIONS."

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

Section 1. Definitions. As used in [this act], the following definitions apply:

(1) "Department" means the department of institutions, the department of health and environmental sciences, and the department of social and rehabilitation services.

(2) "Facility" means:

(a) for the department of institutions, nonmedical facilities including:

(i) mental health transitional living facilities; and

(ii) inpatient FREESTANDING or intermediate transitional living facilities for alcohol/drug treatment or emergency detoxification;

(b) for the department of social and rehabilitation services:

(i) adult services homes for the developmentally disabled, adult independent and semi-independent living facilities, and adult foster care facilities;

(ii) children's services achievement homes, maternity homes, attention homes, aftercare group homes, district youth guidance homes, foster family care facilities, child-care agencies, and community homes for the developmentally disabled;

(c) for the department of health and environmental sciences:

(i) public accommodations, including roominghouses and retirement homes, hotels, and motels;

(ii) health care facilities or services, including hospitals, skilled and intermediate nursing home services, and intermediate care nursing home services for the mentally retarded;

(iii) freestanding medical facilities or care, including infirmaries, kidney treatment centers, and home health agencies; and

(iv) personal care facilities.

(31) "INSPECTING AUTHORITY" MEANS THE DEPARTMENT OR AGENCY AUTHORIZED BY STATUTE TO PERFORM A GIVEN INSPECTION NECESSARY FOR CERTIFICATION FOR LICENSURE.

(41) "LICENSING AGENCY" MEANS THE AGENCY THAT IS AUTHORIZED BY STATUTE TO ISSUE THE LICENSE.

Section 2. One-step licensing. Each department shall provide one-step licensing of all facilities under its jurisdiction. One-step licensing is at a minimum the provision of a designated office within the department or, by agreement between departments, in another department, responsible for issuing facility licenses. The one-step licensing office shall facilitate intradepartmental certifications for licensure. When practicable, one-step licensure also includes:

(1) the coordination of all governmental licensing functions, state and local, required for the licensure of a facility for a program or a service and for health and safety standards. The coordination must include at a minimum the names, addresses, and functions of all governmental authorities enforcing such standards and may include the requirement that the responsible office be a clearinghouse for all forms and applications for other agencies and for assuming the responsibility for insuring timely inspections, reviews, and application processing by other agencies.

(2) the use of departmental employees to inspect specified types of facilities for particular health and safety standards as provided in [section 3].

Section 3. Inspections by departmental employees. (1) Each department may, by joint rule with a state agency or by

interlocal agreement with other governmental entities, authorize departmental employees to perform specific health and safety inspections for certain classes of facilities under the jurisdiction of another department or agency. Such inspections may be limited by type of facility, scope of inspection, and type of inspection, such as original application, renewal application, routine or unannounced inspection, or other identifiable inspection situations.

(2) The inspecting authority, prior to authorizing employees of another department or agency to make an inspection, may require minimal standards of knowledge or training relevant to the type of inspection to be conducted. The inspecting authority may require periodic reexamination of such employees for necessary knowledge and ability.

(3) The inspecting authority delegates authority to the employees of another department or agency and is responsible for the quality of the inspections. The inspecting authority shall perform an inspection delegated to such an employee if the other department or agency or the head of the facility believes that the inspection situation is unique or that the employee is in error. The result of an inspection by the inspecting authority takes precedence over an inspection by an employee of another department or agency.

-End-

1 STATEMENT OF INTENT

2 SENATE BILL 447

3 Senate Public Health, Welfare and Safety Committee

4
5 Senate Bill 447 requires a statement of intent because
6 it authorizes the departments of health and environmental
7 sciences, social and rehabilitation services, and
8 institutions to adopt joint rules which would enable the
9 agencies to coordinate their reviews of certain residential
10 facilities over which they have jurisdiction. The intent of
11 the legislature is that such rules will address cooperative
12 review mechanisms, utilization of personnel, qualifications
13 of inspectors, and delegation of review authority to other
14 agencies. These rules will not affect the substantive
15 standards or criteria under which the regulated facilities
16 operate.

REFERENCE BILL

SB 447

SENATE BILL NO. 447

INTRODUCED BY NORMAN, PAVLOVICH, WILLIAMS,

WINSLOW

BY REQUEST OF SJR 34 LEGISLATIVE STUDY COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR ONE-STEP
LICENSING OF CERTAIN FACILITIES UNDER THE DEPARTMENTS OF
HEALTH AND ENVIRONMENTAL SCIENCES, SOCIAL AND REHABILITATION
SERVICES, AND INSTITUTIONS."

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

Section 1. Definitions. As used in [this act], the
following definitions apply:

(1) "Department" means the department of institutions,
the department of health and environmental sciences, and the
department of social and rehabilitation services.

(2) "Facility" means:

(a) for the department of institutions, nonmedical
facilities including:

(i) mental health transitional living facilities; and
(ii) inpatient FREESTANDING or intermediate
transitional living facilities for alcohol/drug treatment or
emergency detoxification;

(b) for the department of social and rehabilitation
services:

(i) adult services homes for the developmentally
disabled, adult independent and semi-independent living
facilities, and adult foster care facilities;

(ii) children's services achievement homes, maternity
homes, attention homes, aftercare group homes, district
youth guidance homes, foster family care facilities,
child-care agencies, and community homes for the
developmentally disabled;

(c) for the department of health and environmental
sciences:

(i) public accommodations, including roominghouses and
retirement homes, hotels, and motels;

(ii) health care facilities or services, including
hospitals, skilled and intermediate nursing home services,
and intermediate care nursing home services for the mentally
retarded;

(iii) freestanding medical facilities or care,
including infirmaries, kidney treatment centers, and home
health agencies; and

(iv) personal care facilities.

(3) "INSPECTING AUTHORITY" MEANS THE DEPARTMENT OR
AGENCY AUTHORIZED BY STATUTE TO PERFORM A GIVEN INSPECTION
NECESSARY FOR CERTIFICATION FOR LICENSURE.

(4) "LICENSING AGENCY" MEANS THE AGENCY THAT IS
AUTHORIZED BY STATUTE TO ISSUE THE LICENSE.

Section 2. One-step licensing. Each department shall provide one-step licensing of all facilities under its jurisdiction. One-step licensing is at a minimum the provision of a designated office within the department or, by agreement between departments, in another department, responsible for issuing facility licenses. The one-step licensing office shall facilitate intradepartmental certifications for licensure. When practicable, one-step licensure also includes:

(1) the coordination of all governmental licensing functions, state and local, required for the licensure of a facility for a program or a service and for health and safety standards. The coordination must include at a minimum the names, addresses, and functions of all governmental authorities enforcing such standards and may include the requirement that the responsible office be a clearinghouse for all forms and applications for other agencies and for assuming the responsibility for insuring timely inspections, reviews, and application processing by other agencies.

(2) the use of departmental employees to inspect specified types of facilities for particular health and safety standards as provided in [section 3].

Section 3. Inspections by departmental employees. (1) Each department may, by joint rule with a state agency or by

interlocal agreement with other governmental entities, authorize departmental employees to perform specific health and safety inspections for certain classes of facilities under the jurisdiction of another department or agency. Such inspections may be limited by type of facility, scope of inspection, and type of inspection, such as original application, renewal application, routine or unannounced inspection, or other identifiable inspection situations.

(2) The inspecting authority, prior to authorizing employees of another department or agency to make an inspection, may require minimal standards of knowledge or training relevant to the type of inspection to be conducted. The inspecting authority may require periodic reexamination of such employees for necessary knowledge and ability.

(3) The inspecting authority delegates authority to the employees of another department or agency and is responsible for the quality of the inspections. The inspecting authority shall perform an inspection delegated to such an employee if the other department or agency or the head of the facility believes that the inspection situation is unique or that the employee is in error. The result of an inspection by the inspecting authority takes precedence over an inspection by an employee of another department or agency.

-End-