

HOUSE BILL NO. 289

INTRODUCED BY MARKS, LANE, KEENAN,  
DONALDSON, HARRINGTON, GRADY

IN THE HOUSE

January 21, 1985	Introduced and referred to Committee on State Administration.
January 31, 1985	Committee recommend bill do pass. Report adopted.
February 1, 1985	Bill printed and placed on members' desks.
February 2, 1985	Second reading, do pass.  Considered correctly engrossed.
February 4, 1985	Third reading, passed. Ayes, 100; Noes, 0.  Transmitted to Senate.

IN THE SENATE

February 7, 1985	Introduced and referred to Committee on Public Health, Welfare and Safety.
March 11, 1985	Committee recommend bill be concurrred in. Report adopted.
March 13, 1985	Second reading, concurrred in.
March 15, 1985	Third reading, concurrred in. Ayes, 48; Noes, 0.  Returned to House.

IN THE HOUSE

March 16, 1985

Received from Senate.

Sent to enrolling.

Reported correctly enrolled.

1   HOUSE BILL NO. 289  
2   INTRODUCED BY LANE Keenan  
3   Harungth Smady  
4   A BILL FOR AN ACT ENTITLED: "AN ACT CHANGING THE NAME OF  
5   THE BOULDER RIVER SCHOOL AND HOSPITAL TO THE MONTANA  
6   DEVELOPMENTAL CENTER; AMENDING SECTIONS 50-19-204, 53-1-202,  
7   53-1-402, 53-6-303, 53-20-102, 53-20-131, 53-20-214,  
8   53-20-501, 53-20-502, AND 53-30-211, MCA."

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

11       Section 1. Section 50-19-204, MCA, is amended to read:  
12       "50-19-204. Department and ~~Boulder--River-school-and~~  
13 ~~hospital~~ Montana developmental center to furnish assistance  
14 when requested. (1) The department and the staff of the  
15 ~~Boulder-River--school--and--hospital~~ Montana developmental  
16 center shall make available and furnish, when requested, any  
17 assistance and services permitted by law to achieve the  
18 legislative intent of this part.

19       (2) The department may determine its procedure for  
20 advising the attending physician, the parents, or legal  
21 guardian of the newborn infant of any medical results of the  
22 test and the availability of assistance, services, or  
23 counseling of the department and the staff of the ~~Boulder~~  
24 ~~River-school-and-hospital~~ Montana developmental center.

25       (3) The department may determine procedures for

1   coordination with the ~~Boulder--River--school-and-hospital~~  
2 ~~Montana developmental center~~ in providing the services and  
3 assistance required in this part."

4       Section 2. Section 53-1-202, MCA, is amended to read:  
5       "53-1-202. Institutions in department. (1) The  
6 following institutions are in the department:

- 7       (a) Montana state hospital;
- 8       (b) Montana veterans' home;
- 9       (c) State prison;
- 10       (d) Mountain View school;
- 11       (e) Pine Hills school;
- 12       (f) ~~Boulder---River---school---and---hospital~~ Montana  
13 developmental center;
- 14       (g) Montana center for the aged;
- 15       (h) Swan River youth forest camp;
- 16       (i) Eastmont human services center;
- 17       (j) Any other institution which provides care and  
18 services for juvenile delinquents, including but not limited  
19 to youth forest camps and juvenile reception and evaluation  
20 centers.

21       (2) A state institution may not be moved,  
22 discontinued, or abandoned without prior consent of the  
23 legislature."

24       Section 3. Section 53-1-402, MCA, is amended to read:  
25       "53-1-402. Residents subject to per diem and ancillary

1 charges. The department shall collect and process per diem  
2 and ancillary payments for the care of residents in the  
3 following institutions:

- 4 (1) Montana state hospital;
- 5 (2) ~~Boulder---River---school---and---hospital~~ Montana  
6 developmental center;
- 7 (3) Montana veterans' home;
- 8 (4) Montana center for the aged; and
- 9 (5) Eastmont human services center."

10 Section 4. Section 53-6-303, MCA, is amended to read:

11 "53-6-303. Transfer of patients from Galen to mental  
12 institution. A mentally retarded or mentally ill person  
13 residing at the Galen campus facility of the Montana state  
14 hospital may be transferred to the Warm Springs campus  
15 facility of the Montana state hospital, the Montana center  
16 for the aged, or the ~~Boulder--River--school--and--hospital~~  
17 Montana developmental center with the approval of the  
18 department of institutions if the department determines that  
19 the transfer will be in the best interests of the patient.  
20 Unless a medical or psychiatric emergency exists, 15 days  
21 prior to the transfer the department shall send notice of  
22 the proposed transfer to the patient's parent, guardian, or  
23 spouse or, if none is known, his nearest relative or friend.  
24 In the case of an emergency transfer, the department shall  
25 send notice within 72 hours after the time of transfer."

1 Section 5. Section 53-20-102, MCA, is amended to read:  
2 "53-20-102. Definitions. As used in this part, the  
3 following definitions apply:

4 (1) "Board" or "mental disabilities board of visitors"  
5 means the mental disabilities board of visitors created by  
6 2-15-211.

7 (2) "Community-based facilities" or "community-based  
8 services" includes those services and facilities which are  
9 available for the evaluation, treatment, and habilitation of  
10 the developmentally disabled in a community setting,  
11 including but not limited to outpatient facilities, special  
12 education services, group homes, foster homes, day-care  
13 facilities, sheltered workshops, and other community-based  
14 services and facilities.

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

17 (4) "Developmentally disabled" means suffering from a  
18 disability attributable to mental retardation, cerebral  
19 palsy, epilepsy, autism, or any other neurologically  
20 handicapping condition closely related to mental retardation  
21 and requiring treatment similar to that required by mentally  
22 retarded individuals if the disability originated before the  
23 individual attained age 18, has continued or can be expected  
24 to continue indefinitely, and constitutes a substantial  
25 handicap of such individual.

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

8 (6) "Next of kin" includes but need not be limited to  
 9 the spouse, parents, adult children, and adult brothers and  
 10 sisters of a person.

11 (7) "Professional person" means:

12 (a) a licensed medical doctor; or

13 (b) a person who has been certified as provided for in  
 14 53-20-106 by the department of social and rehabilitation  
 15 services and the department of institutions.

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

19 (9) "Residential facility" or "facility" means any  
 20 residential hospital or hospital and school which exists for  
 21 the purpose of evaluating, treating, and habilitating the  
 22 developmentally disabled on an inpatient basis, including  
 23 the ~~Boulder-River-school-and-hospital~~ Montana developmental  
 24 center and the Eastmont human services center. The term  
 25 does not include a group home, foster home, or halfway

1 house. A correctional facility or a facility for the  
 2 treatment of the mentally ill shall not be a "residential  
 3 facility" within the meaning of this part.

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

7 (11) "Responsible person" means any person willing and  
 8 able to assume responsibility for a person who is  
 9 developmentally disabled or alleged to be developmentally  
 10 disabled.

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

18 Section 6. Section 53-20-131, MCA, is amended to read:

19 "53-20-131. Placement in nonstate facility. (1) If a  
 20 person is admitted to a residential facility under the  
 21 provisions of this part and is eligible for hospital care,  
 22 treatment, or habilitation by an agency of the United States  
 23 and if a certificate of notification from such agency  
 24 showing that facilities are available and that the person is  
 25 eligible for care or treatment therein is received, the

1 court may order the person to be placed in the custody of  
 2 the agency for hospitalization. The chief officer of any  
 3 hospital or residential facility operated by the agency and  
 4 in which the person is admitted shall, with respect to the  
 5 person, be vested with the same powers as the superintendent  
 6 of the ~~Boulder---River---school---and---hospital~~ Montana  
 7 developmental center with respect to detention, custody,  
 8 transfer, and release of the person. Jurisdiction shall be  
 9 retained in the appropriate courts of this state to inquire  
 10 into the mental condition of persons so admitted and to  
 11 determine the necessity for continuance of their admission.

12 (2) Consistent with other provisions of this part, a  
 13 person admitted to a residential facility under this part  
 14 for a period more than 30 days may be committed by the court  
 15 to the custody of friends or next of kin residing outside  
 16 the state or transferred to a residential facility located  
 17 outside the state if the out-of-state facility agrees to  
 18 receive the person. No such commitment or transfer shall be  
 19 for a longer period of time than is permitted within the  
 20 state. If the person is indigent, the expense of supporting  
 21 him in an out-of-state facility and the expense of  
 22 transportation shall be borne by the state of Montana.

23 (3) The transfer of persons admitted to a residential  
 24 facility out of Montana under the provisions of this part or  
 25 into Montana under the laws of another jurisdiction shall be

1 governed by the provisions of the Interstate Compact on  
 2 Mental Health."

3 Section 7. Section 53-20-214, MCA, is amended to read:

4 "53-20-214. Certain transfers of funds authorized.  
 5 Funds appropriated to the department of institutions,  
 6 Montana state hospital, or ~~Boulder-River-school-and-hospital~~  
 7 Montana developmental center may be transferred by budget  
 8 amendment as provided in appropriation acts and with the  
 9 approval of the governor to the department of social and  
 10 rehabilitation services for comprehensive developmental  
 11 disability systems if residents of any of those institutions  
 12 are transferred to a comprehensive developmental disability  
 13 system resulting in less expenditures at that institution  
 14 than allowed by legislative appropriation."

15 Section 8. Section 53-20-501, MCA, is amended to read:

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

23 Section 9. Section 53-20-502, MCA, is amended to read:

24 "53-20-502. Location of and services provided by  
 25 Eastmont human services center. The mental retardation

1 center at Glendive is the Eastmont human services center for  
 2 residential and outpatient care of mentally retarded persons  
 3 residing in Montana. The center may admit mentally retarded  
 4 persons not residing in Montana in those circumstances in  
 5 which Montana has agreed to do so by agreement with any  
 6 other state. The center shall provide services similar to  
 7 those provided at ~~Boulder--River--school-and-hospital~~ the  
 8 Montana developmental center. However, the center may not  
 9 be a duplication of ~~Boulder-River-school-and-hospital~~ the  
 10 Montana developmental center but shall be an extension  
 11 thereof."

12 Section 10. Section 53-30-211, MCA, is amended to  
 13 read:

14 "53-30-211. Transfer of child to other facility or  
 15 institution -- notice. (1) The department of institutions  
 16 upon recommendation of the superintendent of a facility may  
 17 transfer a child resident in one of its juvenile facilities  
 18 to any other facility or institution under the jurisdiction  
 19 and control of the department.

20 (2) In the case of transfers of children in juvenile  
 21 facilities to the Montana state hospital or ~~Boulder--River~~  
 22 ~~school--and-hospital~~ Montana developmental center and unless  
 23 medical or psychiatric emergency exists, 15 days prior to  
 24 the transfer the department shall send notice of the  
 25 proposed transfer to the parents or legal guardian of the

1 child and to the district court who committed the child. In  
 2 the case of an emergency transfer, the department shall send  
 3 notice within 72 hours after the time of transfer."

4 NEW SECTION. Section 11. Name change in newly enacted  
 5 material. Any reference to the "Boulder River school and  
 6 hospital" made in new material enacted by the 49th  
 7 legislature means the Montana developmental center.

8 NEW SECTION. Section 12. Extension of authority. Any  
 9 existing authority of the department of institutions and the  
 10 mental disabilities board of visitors to make rules on the  
 11 subject of the provisions of this act is extended to the  
 12 provisions of this act.

-End-

APPROVED BY COMMITTEE  
ON STATE ADMINISTRATION

1                                    HOUSE BILL NO. 289  
 2    INTRODUCED BY LANE Keenan  
 3                                    Harrold Smalley  
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 5    THE BOULDER RIVER SCHOOL AND HOSPITAL TO THE MONTANA  
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 22        test and the availability of assistance, services, or  
 23        counseling of the department and the staff of the ~~Boulder~~  
 24        ~~River-school-and-hospital~~ Montana developmental center.  
 25        (3) The department may determine procedures for

1    coordination with the ~~Boulder--River--school-and-hospital~~  
 2    Montana developmental center in providing the services and  
 3    assistance required in this part."  
 4        Section 2. Section 53-1-202, MCA, is amended to read:  
 5        "53-1-202. Institutions in department. (1) The  
 6        following institutions are in the department:  
 7            (a) Montana state hospital;  
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 10           (d) Mountain View school;  
 11           (e) Pine Hills school;  
 12           (f) ~~Boulder---River---school---and---hospital~~ Montana  
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 18        services for juvenile delinquents, including but not limited  
 19        to youth forest camps and juvenile reception and evaluation  
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15 facility of the Montana state hospital, the Montana center  
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17 Montana developmental center with the approval of the  
18 department of institutions if the department determines that  
19 the transfer will be in the best interests of the patient.  
20 Unless a medical or psychiatric emergency exists, 15 days  
21 prior to the transfer the department shall send notice of  
22 the proposed transfer to the patient's parent, guardian, or  
23 spouse or, if none is known, his nearest relative or friend.  
24 In the case of an emergency transfer, the department shall  
25 send notice within 72 hours after the time of transfer."

1 Section 5. Section 53-20-102, MCA, is amended to read:  
2 "53-20-102. Definitions. As used in this part, the  
3 following definitions apply:

4 (1) "Board" or "mental disabilities board of visitors"  
5 means the mental disabilities board of visitors created by  
6 2-15-211.

7 (2) "Community-based facilities" or "community-based  
8 services" includes those services and facilities which are  
9 available for the evaluation, treatment, and habilitation of  
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 14 53-20-106 by the department of social and rehabilitation  
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 17 residential facility for a course of evaluation, treatment,  
 18 or habilitation.

19 (9) "Residential facility" or "facility" means any  
 20 residential hospital or hospital and school which exists for  
 21 the purpose of evaluating, treating, and habilitating the  
 22 developmentally disabled on an inpatient basis, including  
 23 the ~~Boulder-River-school-and-hospita~~ Montana developmental  
 24 center and the Eastmont human services center. The term  
 25 does not include a group home, foster home, or halfway

1 house. A correctional facility or a facility for the  
 2 treatment of the mentally ill shall not be a "residential  
 3 facility" within the meaning of this part.

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

7 (11) "Responsible person" means any person willing and  
 8 able to assume responsibility for a person who is  
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 15 has resulted in self-inflicted injury or injury to others or  
 16 the imminent threat thereof or which has deprived the person  
 17 afflicted of the ability to protect his life or health."

18 Section 6. Section 53-20-131, MCA, is amended to read:  
 19 "53-20-131. Placement in nonstate facility. (1) If a  
 20 person is admitted to a residential facility under the  
 21 provisions of this part and is eligible for hospital care,  
 22 treatment, or habilitation by an agency of the United States  
 23 and if a certificate of notification from such agency  
 24 showing that facilities are available and that the person is  
 25 eligible for care or treatment therein is received, the

1 court may order the person to be placed in the custody of  
 2 the agency for hospitalization. The chief officer of any  
 3 hospital or residential facility operated by the agency and  
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 5 person, be vested with the same powers as the superintendent  
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 9 retained in the appropriate courts of this state to inquire  
 10 into the mental condition of persons so admitted and to  
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 13 person admitted to a residential facility under this part  
 14 for a period more than 30 days may be committed by the court  
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 19 for a longer period of time than is permitted within the  
 20 state. If the person is indigent, the expense of supporting  
 21 him in an out-of-state facility and the expense of  
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23 (3) The transfer of persons admitted to a residential  
 24 facility out of Montana under the provisions of this part or  
 25 into Montana under the laws of another jurisdiction shall be

1 governed by the provisions of the Interstate Compact on  
 2 Mental Health."

3 Section 7. Section 53-20-214, MCA, is amended to read:  
 4 "53-20-214. Certain transfers of funds authorized.  
 5 Funds appropriated to the department of institutions,  
 6 Montana state hospital, or ~~Boulder-River-school-and-hospital~~  
 7 Montana developmental center may be transferred by budget  
 8 amendment as provided in appropriation acts and with the  
 9 approval of the governor to the department of social and  
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 12                    (f) ~~Boulder---River---school---and---hospital~~ Montana  
 13    developmental center;

14                    (g) Montana center for the aged;  
 15                    (h) Swan River youth forest camp;  
 16                    (i) Eastmont human services center;  
 17                    (j) Any other institution which provides care and  
 18    services for juvenile delinquents, including but not limited  
 19    to youth forest camps and juvenile reception and evaluation  
 20    centers.

21                    (2) A state institution may not be moved,  
 22    discontinued, or abandoned without prior consent of the  
 23    legislature."

24                    Section 3. Section 53-1-402, MCA, is amended to read:  
 25                    "53-1-402. Residents subject to per diem and ancillary

1 charges. The department shall collect and process per diem  
2 and ancillary payments for the care of residents in the  
3 following institutions:

- 4 (1) Montana state hospital;
- 5 (2) ~~Boulder---River---school---and---hospital~~ Montana  
6 developmental center;
- 7 (3) Montana veterans' home;
- 8 (4) Montana center for the aged; and
- 9 (5) Eastmont human services center."

10 Section 4. Section 53-6-303, MCA, is amended to read:

11 "53-6-303. Transfer of patients from Galen to mental  
12 institution. A mentally retarded or mentally ill person  
13 residing at the Galen campus facility of the Montana state  
14 hospital may be transferred to the Warm Springs campus  
15 facility of the Montana state hospital, the Montana center  
16 for the aged, or the ~~Boulder--River--school--and--hospital~~  
17 Montana developmental center with the approval of the  
18 department of institutions if the department determines that  
19 the transfer will be in the best interests of the patient.  
20 Unless a medical or psychiatric emergency exists, 15 days  
21 prior to the transfer the department shall send notice of  
22 the proposed transfer to the patient's parent, guardian, or  
23 spouse or, if none is known, his nearest relative or friend.  
24 In the case of an emergency transfer, the department shall  
25 send notice within 72 hours after the time of transfer."

1 Section 5. Section 53-20-102, MCA, is amended to read:  
2 "53-20-102. Definitions. As used in this part, the  
3 following definitions apply:

4 (1) "Board" or "mental disabilities board of visitors"  
5 means the mental disabilities board of visitors created by  
6 2-15-211.

7 (2) "Community-based facilities" or "community-based  
8 services" includes those services and facilities which are  
9 available for the evaluation, treatment, and habilitation of  
10 the developmentally disabled in a community setting,  
11 including but not limited to outpatient facilities, special  
12 education services, group homes, foster homes, day-care  
13 facilities, sheltered workshops, and other community-based  
14 services and facilities.

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

17 (4) "Developmentally disabled" means suffering from a  
18 disability attributable to mental retardation, cerebral  
19 palsy, epilepsy, autism, or any other neurologically  
20 handicapping condition closely related to mental retardation  
21 and requiring treatment similar to that required by mentally  
22 retarded individuals if the disability originated before the  
23 individual attained age 18, has continued or can be expected  
24 to continue indefinitely, and constitutes a substantial  
25 handicap of such individual.

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

8 (6) "Next of kin" includes but need not be limited to  
 9 the spouse, parents, adult children, and adult brothers and  
 10 sisters of a person.

11 (7) "Professional person" means:

12 (a) a licensed medical doctor; or

13 (b) a person who has been certified as provided for in  
 14 53-20-106 by the department of social and rehabilitation  
 15 services and the department of institutions.

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

19 (9) "Residential facility" or "facility" means any  
 20 residential hospital or hospital and school which exists for  
 21 the purpose of evaluating, treating, and habilitating the  
 22 developmentally disabled on an inpatient basis, including  
 23 the ~~Boulder-River-school-and-hospital~~ Montana developmental  
 24 center and the Eastmont human services center. The term  
 25 does not include a group home, foster home, or halfway

1 house. A correctional facility or a facility for the  
 2 treatment of the mentally ill shall not be a "residential  
 3 facility" within the meaning of this part.

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

7 (11) "Responsible person" means any person willing and  
 8 able to assume responsibility for a person who is  
 9 developmentally disabled or alleged to be developmentally  
 10 disabled.

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

18 Section 6. Section 53-20-131, MCA, is amended to read:

19 "53-20-131. Placement in nonstate facility. (1) If a  
 20 person is admitted to a residential facility under the  
 21 provisions of this part and is eligible for hospital care,  
 22 treatment, or habilitation by an agency of the United States  
 23 and if a certificate of notification from such agency  
 24 showing that facilities are available and that the person is  
 25 eligible for care or treatment therein is received, the

1 court may order the person to be placed in the custody of  
 2 the agency for hospitalization. The chief officer of any  
 3 hospital or residential facility operated by the agency and  
 4 in which the person is admitted shall, with respect to the  
 5 person, be vested with the same powers as the superintendent  
 6 of the ~~Boulder---River---school---and---hospital~~ Montana  
 7 developmental center with respect to detention, custody,  
 8 transfer, and release of the person. Jurisdiction shall be  
 9 retained in the appropriate courts of this state to inquire  
 10 into the mental condition of persons so admitted and to  
 11 determine the necessity for continuance of their admission.

12 (2) Consistent with other provisions of this part, a  
 13 person admitted to a residential facility under this part  
 14 for a period more than 30 days may be committed by the court  
 15 to the custody of friends or next of kin residing outside  
 16 the state or transferred to a residential facility located  
 17 outside the state if the out-of-state facility agrees to  
 18 receive the person. No such commitment or transfer shall be  
 19 for a longer period of time than is permitted within the  
 20 state. If the person is indigent, the expense of supporting  
 21 him in an out-of-state facility and the expense of  
 22 transportation shall be borne by the state of Montana.

23 (3) The transfer of persons admitted to a residential  
 24 facility out of Montana under the provisions of this part or  
 25 into Montana under the laws of another jurisdiction shall be

1 governed by the provisions of the Interstate Compact on  
 2 Mental Health."

3 Section 7. Section 53-20-214, MCA, is amended to read:  
 4 "53-20-214. Certain transfers of funds authorized.  
 5 Funds appropriated to the department of institutions,  
 6 Montana state hospital, or ~~Boulder-River-school-and-hospital~~  
 7 Montana developmental center may be transferred by budget  
 8 amendment as provided in appropriation acts and with the  
 9 approval of the governor to the department of social and  
 10 rehabilitation services for comprehensive developmental  
 11 disability systems if residents of any of those institutions  
 12 are transferred to a comprehensive developmental disability  
 13 system resulting in less expenditures at that institution  
 14 than allowed by legislative appropriation."

15 Section 8. Section 53-20-501, MCA, is amended to read:  
 16 "53-20-501. Primary function of ~~Boulder--River--school~~  
 17 ~~and-hospital~~ Montana developmental center and Eastmont human  
 18 services center. The primary functions of the ~~Boulder-River~~  
 19 ~~school-and-hospital~~ Montana developmental center and the  
 20 Eastmont human services center are the care, treatment,  
 21 training, education, and necessary medical treatment of  
 22 mentally retarded persons."

23 Section 9. Section 53-20-502, MCA, is amended to read:  
 24 "53-20-502. Location of and services provided by  
 25 Eastmont human services center. The mental retardation



1 center at Glendive is the Eastmont human services center for  
 2 residential and outpatient care of mentally retarded persons  
 3 residing in Montana. The center may admit mentally retarded  
 4 persons not residing in Montana in those circumstances in  
 5 which Montana has agreed to do so by agreement with any  
 6 other state. The center shall provide services similar to  
 7 those provided at ~~Boulder--River--school-and-hospital~~ the  
 8 Montana developmental center. However, the center may not  
 9 be a duplication of ~~Boulder--River--school-and-hospital~~ the  
 10 Montana developmental center but shall be an extension  
 11 thereof."

12 Section 10. Section 53-30-211, MCA, is amended to  
 13 read:

14 "53-30-211. Transfer of child to other facility or  
 15 institution -- notice. (1) The department of institutions  
 16 upon recommendation of the superintendent of a facility may  
 17 transfer a child resident in one of its juvenile facilities  
 18 to any other facility or institution under the jurisdiction  
 19 and control of the department.

20 (2) In the case of transfers of children in juvenile  
 21 facilities to the Montana state hospital or ~~Boulder--River~~  
 22 ~~school--and-hospital~~ Montana developmental center and unless  
 23 medical or psychiatric emergency exists, 15 days prior to  
 24 the transfer the department shall send notice of the  
 25 proposed transfer to the parents or legal guardian of the

1 child and to the district court who committed the child. In  
 2 the case of an emergency transfer, the department shall send  
 3 notice within 72 hours after the time of transfer."

4 NEW SECTION. Section 11. Name change in newly enacted  
 5 material. Any reference to the "Boulder River school and  
 6 hospital" made in new material enacted by the 49th  
 7 legislature means the Montana developmental center.

8 NEW SECTION. Section 12. Extension of authority. Any  
 9 existing authority of the department of institutions and the  
 10 mental disabilities board of visitors to make rules on the  
 11 subject of the provisions of this act is extended to the  
 12 provisions of this act.

-End-

HOUSE BILL NO. 289

INTRODUCED BY MARKS, LANE, KEENAN,

DONALDSON, HARRINGTON, GRADY

A BILL FOR AN ACT ENTITLED: "AN ACT CHANGING THE NAME OF THE BOULDER RIVER SCHOOL AND HOSPITAL TO THE MONTANA DEVELOPMENTAL CENTER; AMENDING SECTIONS 50-19-204, 53-1-202, 53-1-402, 53-6-303, 53-20-102, 53-20-131, 53-20-214, 53-20-501, 53-20-502, AND 53-30-211, MCA."

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

Section 1. Section 50-19-204, MCA, is amended to read:

"50-19-204. Department and ~~Boulder--River--school--and--hospital~~ Montana developmental center to furnish assistance when requested. (1) The department and the staff of the ~~Boulder-River--school--and--hospital~~ Montana developmental center shall make available and furnish, when requested, any assistance and services permitted by law to achieve the legislative intent of this part.

(2) The department may determine its procedure for advising the attending physician, the parents, or legal guardian of the newborn infant of any medical results of the test and the availability of assistance, services, or counseling of the department and the staff of the ~~Boulder River-school-and-hospital~~ Montana developmental center.

(3) The department may determine procedures for coordination with the ~~Boulder--River--school--and--hospital~~ Montana developmental center in providing the services and assistance required in this part."

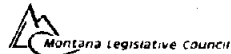
Section 2. Section 53-1-202, MCA, is amended to read: "53-1-202. Institutions in department. (1) The following institutions are in the department:

- (a) Montana state hospital;
(b) Montana veterans' home;
(c) State prison;
(d) Mountain View school;
(e) Pine Hills school;
(f) ~~Boulder---River---school---and---hospital~~ Montana developmental center;
(g) Montana center for the aged;
(h) Swan River youth forest camp;
(i) Eastmont human services center;
(j) Any other institution which provides care and services for juvenile delinquents, including but not limited to youth forest camps and juvenile reception and evaluation centers.

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

Section 3. Section 53-1-402, MCA, is amended to read:

REFERENCE BILL



1 "53-1-402. Residents subject to per diem and ancillary  
2 charges. The department shall collect and process per diem  
3 and ancillary payments for the care of residents in the  
4 following institutions:

5 (1) Montana state hospital;

6 (2) ~~Boulder---River---school---and---hospital~~ Montana  
7 developmental center;

8 (3) Montana veterans' home;

9 (4) Montana center for the aged; and

10 (5) Eastmont human services center."

11 Section 4. Section 53-6-303, MCA, is amended to read:

12 "53-6-303. Transfer of patients from Galen to mental  
13 institution. A mentally retarded or mentally ill person  
14 residing at the Galen campus facility of the Montana state  
15 hospital may be transferred to the Warm Springs campus  
16 facility of the Montana state hospital, the Montana center  
17 for the aged, or the ~~Boulder--River--school--and--hospital~~  
18 Montana developmental center with the approval of the  
19 department of institutions if the department determines that  
20 the transfer will be in the best interests of the patient.  
21 Unless a medical or psychiatric emergency exists, 15 days  
22 prior to the transfer the department shall send notice of  
23 the proposed transfer to the patient's parent, guardian, or  
24 spouse or, if none is known, his nearest relative or friend.  
25 In the case of an emergency transfer, the department shall

1 send notice within 72 hours after the time of transfer."

2 Section 5. Section 53-20-102, MCA, is amended to read:

3 "53-20-102. Definitions. As used in this part, the  
4 following definitions apply:

5 (1) "Board" or "mental disabilities board of visitors"  
6 means the mental disabilities board of visitors created by  
7 2-15-211.

8 (2) "Community-based facilities" or "community-based  
9 services" includes those services and facilities which are  
10 available for the evaluation, treatment, and habilitation of  
11 the developmentally disabled in a community setting,  
12 including but not limited to outpatient facilities, special  
13 education services, group homes, foster homes, day-care  
14 facilities, sheltered workshops, and other community-based  
15 services and facilities.

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

18 (4) "Developmentally disabled" means suffering from a  
19 disability attributable to mental retardation, cerebral  
20 palsy, epilepsy, autism, or any other neurologically  
21 handicapping condition closely related to mental retardation  
22 and requiring treatment similar to that required by mentally  
23 retarded individuals if the disability originated before the  
24 individual attained age 18, has continued or can be expected  
25 to continue indefinitely, and constitutes a substantial

1 handicap of such individual.

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

9 (6) "Next of kin" includes but need not be limited to  
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11 sisters of a person.

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13 (a) a licensed medical doctor; or

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15 53-20-106 by the department of social and rehabilitation  
16 services and the department of institutions.

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18 residential facility for a course of evaluation, treatment,  
19 or habilitation.

20 (9) "Residential facility" or "facility" means any  
21 residential hospital or hospital and school which exists for  
22 the purpose of evaluating, treating, and habilitating the  
23 developmentally disabled on an inpatient basis, including  
24 the Boulder-River-school-and-hospital Montana developmental  
25 center and the Eastmont human services center. The term

1 does not include a group home, foster home, or halfway  
2 house. A correctional facility or a facility for the  
3 treatment of the mentally ill shall not be a "residential  
4 facility" within the meaning of this part.

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

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9 able to assume responsibility for a person who is  
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16 has resulted in self-inflicted injury or injury to others or  
17 the imminent threat thereof or which has deprived the person  
18 afflicted of the ability to protect his life or health."

19 Section 6. Section 53-20-131, MCA, is amended to read:  
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21 person is admitted to a residential facility under the  
22 provisions of this part and is eligible for hospital care,  
23 treatment, or habilitation by an agency of the United States  
24 and if a certificate of notification from such agency  
25 showing that facilities are available and that the person is

1 eligible for care or treatment therein is received, the  
 2 court may order the person to be placed in the custody of  
 3 the agency for hospitalization. The chief officer of any  
 4 hospital or residential facility operated by the agency and  
 5 in which the person is admitted shall, with respect to the  
 6 person, be vested with the same powers as the superintendent  
 7 of the ~~Boulder---River---school---and---hospital~~ Montana  
 8 developmental center with respect to detention, custody,  
 9 transfer, and release of the person. Jurisdiction shall be  
 10 retained in the appropriate courts of this state to inquire  
 11 into the mental condition of persons so admitted and to  
 12 determine the necessity for continuance of their admission.

13 (2) Consistent with other provisions of this part, a  
 14 person admitted to a residential facility under this part  
 15 for a period more than 30 days may be committed by the court  
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 17 the state or transferred to a residential facility located  
 18 outside the state if the out-of-state facility agrees to  
 19 receive the person. No such commitment or transfer shall be  
 20 for a longer period of time than is permitted within the  
 21 state. If the person is indigent, the expense of supporting  
 22 him in an out-of-state facility and the expense of  
 23 transportation shall be borne by the state of Montana.

24 (3) The transfer of persons admitted to a residential  
 25 facility out of Montana under the provisions of this part or

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 2 governed by the provisions of the Interstate Compact on  
 3 Mental Health."

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 9 amendment as provided in appropriation acts and with the  
 10 approval of the governor to the department of social and  
 11 rehabilitation services for comprehensive developmental  
 12 disability systems if residents of any of those institutions  
 13 are transferred to a comprehensive developmental disability  
 14 system resulting in less expenditures at that institution  
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16 Section 8. Section 53-20-501, MCA, is amended to read:  
 17 "53-20-501. Primary function of ~~Boulder--River--school~~  
 18 and-hospital Montana developmental center and Eastmont human  
 19 services center. The primary functions of the ~~Boulder-River~~  
 20 school-and-hospital Montana developmental center and the  
 21 Eastmont human services center are the care, treatment,  
 22 training, education, and necessary medical treatment of  
 23 mentally retarded persons."

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 2 center at Glendive is the Eastmont human services center for  
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 6 which Montana has agreed to do so by agreement with any  
 7 other state. The center shall provide services similar to  
 8 those provided at ~~Boulder--River--school-and-hospital~~ the  
 9 Montana developmental center. However, the center may not  
 10 be a duplication of ~~Boulder-River-school-and-hospital~~ the  
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 14 read:

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 22 facilities to the Montana state hospital or ~~Boulder--River~~  
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 24 medical or psychiatric emergency exists, 15 days prior to  
 25 the transfer the department shall send notice of the

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-End-