

HOUSE BILL NO. 579

INTRODUCED BY WINSLOW

BY REQUEST OF THE DEPARTMENT OF INSTITUTIONS

IN THE HOUSE

January 31, 1985	Introduced and referred to Committee on Human Services and Aging.
	Fiscal Note requested.
February 6, 1985	Fiscal Note returned.
February 12, 1985	Committee recommend bill do pass as amended. Report adopted.
	Statement of Intent attached.
	Bill printed and placed on members' desks.
February 14, 1985	Second reading, do pass.
	Considered correctly engrossed.
February 15, 1985	Third reading, passed.
	Transmitted to Senate.

IN THE SENATE

February 16, 1985	Introduced and referred to Committee on Judiciary.
March 21, 1985	Committee recommend bill be concurring in. Report adopted.
	Statement of Intent amended.
March 23, 1985	Second reading, concurring in.

March 26, 1985

Third reading, concurred in.  
Ayes, 50; Noes, 0.

Returned to House with  
amended Statement of Intent.

IN THE HOUSE

March 27, 1985

Received from Senate.

April 8, 1985

Second reading, amended  
Statement of Intent concurred  
in.

On motion, rules suspended and  
bill placed on third reading  
this day.

Third reading, amended  
Statement of Intent concurred  
in.

Sent to enrolling.

Reported correctly enrolled.

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5 A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING SECTION  
6 53-21-111, MCA, TO REQUIRE THAT A PERSON REQUESTING  
7 VOLUNTARY ADMISSION TO THE MONTANA STATE HOSPITAL RECEIVE  
8 CERTIFICATION FROM A COMMUNITY MENTAL HEALTH CENTER THAT  
9 ADEQUATE TREATMENT IS UNAVAILABLE IN THE COMMUNITY AND TO  
10 REMOVE REFERENCE TO FINANCIAL ABILITY TO PAY FOR SERVICES IN  
11 THE COMMUNITY."

12  
13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

14 Section 1. Section 53-21-111, MCA, is amended to read:

15 "53-21-111. Voluntary admission. (1) Nothing in this  
16 part may be construed in any way as limiting the right of  
17 any person to make voluntary application for admission at  
18 any time to any mental health facility or professional  
19 person. An application for admission to a mental health  
20 facility shall be in writing on a form prescribed by the  
21 facility and approved by the department. It is not valid  
22 unless it is approved by a professional person and a copy is  
23 given to the person voluntarily admitting himself. A  
24 statement of the rights of the person voluntarily applying  
25 for admission, as set out in this part, including the right

1 to release, shall be furnished to the patient within 12  
2 hours.

3 (2) Any applicant who wishes to voluntarily apply for  
4 admission to the state hospital shall first obtain  
5 certification from a professional person that the applicant  
6 is suffering from a mental disorder and certification from a  
7 community mental health center that the facilities available  
8 to the mental health region in which the applicant resides  
9 are unable to provide adequate evaluation and treatment,  
10 ~~except--such-certification-is-not-necessary-if-the-applicant~~  
11 ~~obtains--certification--from--the--regional--mental--health~~  
12 ~~director--of--his-mental-health-region-that-the-applicant-is~~  
13 ~~financially-unable-to-receive-evaluation-and-treatment--from~~  
14 ~~the-facilities-available-to-the-mental-health-region.~~

15 (3) An application for voluntary admission shall give  
16 the facility the right to detain the applicant for no more  
17 than 5 days, excluding weekends and holidays, past his  
18 written request for release. A mental health facility may  
19 adopt rules providing for detention of the applicant for  
20 less than 5 days. The facility must notify all applicants of  
21 such rules and post such rules as provided in 53-21-168.

22 (4) Any person voluntarily entering or remaining in  
23 any mental health facility shall enjoy all the rights  
24 secured to a person involuntarily committed to the  
25 facility."



LC 1086/01

1        NEW SECTION. Section 2. Extension of authority. Any  
2 existing authority of the department of institutions to make  
3 rules on the subject of the provisions of this act is  
4 extended to the provisions of this act.

-End-

## FISCAL NOTE

In compliance with a written request received January 31 19 85, there is hereby submitted a Fiscal Note for H.B. 579 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:

"An act amending section 53-21-111, MCA, to require that a person requesting voluntary admission to the Montana State Hospital receive certification from a community mental health center that adequate treatment is unavailable in the community and to remove reference to financial ability to pay for services in the community."

ASSUMPTIONS:

1. Use inappropriate admissions 1/10/84 through 12/31/84 = 42.
2. The variable cost per day at Montana State Hospital = \$6.43 per day based on FY 84 actual with 4% inflation.
3. The average length of stay is 60 days.

FISCAL IMPACT:

	<u>FY 86</u>	<u>FY 87</u>	
	(\$ 16,204)	(\$ 16,204)	General Fund Savings to the state each year of the Biennium.

Expenditures:

N/A

AFFECT OF LOCAL REVENUE ON EXPENDITURES:

N/A

LONG RANGE EFFECTS OF PROPOSED LEGISLATION:

N/A

TECHNICAL OR MECHANICAL DEFECTS:

N/A

*David L. Hunter*

BUDGET DIRECTOR  
Office of Budget and Program Planning

Date: Feb 6, 1985

HB 579

APPROVED BY COMM. ON  
HUMAN SERVICES AND AGING

STATEMENT OF INTENT

HOUSE BILL 579

House Human Services and Aging Committee

1  
2  
3  
4  
5 A statement of intent is required for this bill because  
6 it contains a delegation of authority, as defined in  
7 5-4-403, providing the department of institutions statutory  
8 authorization to adopt rules to implement the provisions of  
9 the bill requiring confirmation that adequate treatment and  
10 evaluation are unavailable in the community.

11 The legislature contemplates that the department's  
12 rules will define the confirmation process in such a way as  
13 to provide adequate screening of voluntary admissions to the  
14 state hospital without creating an undue delay in meeting  
15 the needs of patients.

16 Specifically, the department should adopt rules that  
17 will address:

18 (1) the qualifications of community mental health  
19 staff who may confirm voluntary admissions;

20 (2) the procedure to be used in receiving confirmation  
21 from a community mental health center;

22 (3) the information about the patient and his  
23 treatment needs that must be communicated to the community  
24 mental health center by the professional person seeking  
25 confirmation;

1 (4) the method used by the mental health center to  
2 document the confirmation provided; and  
3 (5) any other reasonable consideration not  
4 inconsistent with the purpose of this bill.

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8 CERTIFICATION CONFIRMATION FROM A COMMUNITY MENTAL HEALTH  
9 CENTER THAT ADEQUATE TREATMENT IS UNAVAILABLE IN THE  
10 COMMUNITY AND TO REMOVE REFERENCE TO FINANCIAL ABILITY TO  
11 PAY FOR SERVICES IN THE COMMUNITY; AND PROVIDING RULEMAKING  
12 AUTHORITY."  
13

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

15 Section 1. Section 53-21-111, MCA, is amended to read:

16 "53-21-111. Voluntary admission. (1) Nothing in this  
17 part may be construed in any way as limiting the right of  
18 any person to make voluntary application for admission at  
19 any time to any mental health facility or professional  
20 person. An application for admission to a mental health  
21 facility shall be in writing on a form prescribed by the  
22 facility and approved by the department. It is not valid  
23 unless it is approved by a professional person and a copy is  
24 given to the person voluntarily admitting himself. A  
25 statement of the rights of the person voluntarily applying

1 for admission, as set out in this part, including the right  
2 to release, shall be furnished to the patient within 12  
3 hours.

4 (2) Any applicant who wishes to voluntarily apply for  
5 admission to the state hospital shall first obtain  
6 certification from a professional person that the applicant  
7 is suffering from a mental disorder, and certification THE  
8 PROFESSIONAL PERSON MUST THEN OBTAIN CONFIRMATION from a  
9 community mental health center that the facilities available  
10 to the mental health region in which the applicant resides  
11 are unable to provide adequate evaluation and treatment,  
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16 ~~the--facilities--available-to-the-mental-health-region. THE~~  
17 DEPARTMENT SHALL ADOPT RULES TO ESTABLISH A PROCEDURE  
18 WHEREBY A PROFESSIONAL PERSON SHALL OBTAIN THE CONFIRMATION  
19 FROM A COMMUNITY MENTAL HEALTH CENTER AS REQUIRED IN THIS  
20 SECTION.

21 (3) An application for voluntary admission shall give  
22 the facility the right to detain the applicant for no more  
23 than 5 days, excluding weekends and holidays, past his  
24 written request for release. A mental health facility may  
25 adopt rules providing for detention of the applicant for

1 less than 5 days. The facility must notify all applicants of  
2 such rules and post such rules as provided in 53-21-168.

3 (4) Any person voluntarily entering or remaining in  
4 any mental health facility shall enjoy all the rights  
5 secured to a person involuntarily committed to the  
6 facility."

7 ~~NEW-SECTION--Section-2--Extension--of--authority--Any~~  
8 ~~existing-authority-of-the-department-of-institutions-to-make~~  
9 ~~rules-on-the-subject--of--the--provisions--of--this--act--is~~  
10 ~~extended-to-the-provisions-of-this-act.~~

-End-



STATEMENT OF INTENT

HOUSE BILL 579

House Human Services and Aging Committee

A statement of intent is required for this bill because it contains a delegation of authority, as defined in 5-4-403, providing the department of institutions statutory authorization to adopt rules to implement the provisions of the bill requiring confirmation that adequate treatment and evaluation are unavailable in the community.

The legislature contemplates that the department's rules will define the confirmation process in such a way as to provide adequate screening of voluntary admissions to the state hospital without creating an undue delay in meeting the needs of patients.

Specifically, the department should adopt rules that will address:

(1) the qualifications of community mental health staff who may confirm voluntary admissions;

(2) the procedure to be used in receiving confirmation from a community mental health center;

(3) the information about the patient and his treatment needs that must be communicated to the community mental health center by the professional person seeking confirmation;

(4) the method used by the mental health center to document the confirmation provided; and

(5) any other reasonable consideration not inconsistent with the purpose of this bill.



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A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING SECTION 53-21-111, MCA, TO REQUIRE THAT A PERSON REQUESTING VOLUNTARY ADMISSION TO THE MONTANA STATE HOSPITAL RECEIVE CERTIFICATION CONFIRMATION FROM A COMMUNITY MENTAL HEALTH CENTER THAT ADEQUATE TREATMENT IS UNAVAILABLE IN THE COMMUNITY AND TO REMOVE REFERENCE TO FINANCIAL ABILITY TO PAY FOR SERVICES IN THE COMMUNITY; AND PROVIDING RULEMAKING AUTHORITY."

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

Section 1. Section 53-21-111, MCA, is amended to read:

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for admission, as set out in this part, including the right to release, shall be furnished to the patient within 12 hours.

(2) Any applicant who wishes to voluntarily apply for admission to the state hospital shall first obtain certification from a professional person that the applicant is suffering from a mental disorder. and certification THE PROFESSIONAL PERSON MUST THEN OBTAIN CONFIRMATION from a community mental health center that the facilities available to the mental health region in which the applicant resides are unable to provide adequate evaluation and treatment, ~~except--such-certification-is-not-necessary-if-the-applicant obtains--certification--from--the--regional--mental--health director--of--his-mental-health-region-that-the-applicant-is financially-unable-to-receive-evaluation-and-treatment--from the--facilities--available-to-the-mental-health-region.~~ THE DEPARTMENT SHALL ADOPT RULES TO ESTABLISH A PROCEDURE WHEREBY A PROFESSIONAL PERSON SHALL OBTAIN THE CONFIRMATION FROM A COMMUNITY MENTAL HEALTH CENTER AS REQUIRED IN THIS SECTION.

(3) An application for voluntary admission shall give the facility the right to detain the applicant for no more than 5 days, excluding weekends and holidays, past his written request for release. A mental health facility may adopt rules providing for detention of the applicant for

1 less than 5 days. The facility must notify all applicants of  
2 such rules and post such rules as provided in 53-21-168.

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4 any mental health facility shall enjoy all the rights  
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-End-

SENATE

STANDING COMMITTEE REPORT

March 21 19 85

MR. PRESIDENT

We, your committee on JUDICIARY

having had under consideration HOUSE BILL No. 579

third reading copy ( blue color )

(Senator Towe)

CERTIFICATION FOR VOLUNTARY ADMISSION OF MENTAL PATIENT TO STATE HOSPITAL

Respectfully report as follows: That HOUSE BILL No. 579

be amended as follows:

Statement of Intent.

Page 1, line 18.

Following: line 17.

Insert: "(1) adoption of a procedure requiring a written statement signed by an authorized person from the community mental health center either before or at the time the confirmation is obtained;"

Renumber: subsequent subsections

AND AS AMENDED

BE CONCURRED IN

~~XXXXXX~~

~~XXXXXXXXXX~~

Senator Joe Mazurek Chairman.

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Specifically, the department should adopt rules that will address:

(1) ADOPTION OF A PROCEDURE REQUIRING A WRITTEN STATEMENT SIGNED BY AN AUTHORIZED PERSON FROM THE COMMUNITY MENTAL HEALTH CENTER EITHER BEFORE OR AT THE TIME THE CONFIRMATION IS OBTAINED;

+1+(2) the qualifications of community mental health staff who may confirm voluntary admissions;

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-End-