

HOUSE BILL NO. 729

INTRODUCED BY SCHULTZ, ERNST, B. WILLIAMS,  
PATTERSON, SIMON

BY REQUEST OF THE DEPARTMENT OF INSTITUTIONS

IN THE HOUSE

February 8, 1985	Introduced and referred to Committee on Human Services and Aging.
February 20, 1985	Committee recommend bill do pass as amended. Report adopted.  Statement of Intent attached.  Bill printed and placed on members' desks.
February 21, 1985	Second reading, do pass.  Considered correctly engrossed.
February 23, 1985	Third reading, passed.  Transmitted to Senate.

IN THE SENATE

March 4, 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. 729  
 2 INTRODUCED BY Delux Ernest Brullen Patton Jensen  
 3 BY REQUEST OF THE DEPARTMENT OF INSTITUTIONS

4  
 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO REDEFINE THE ROLE OF  
 6 THE MONTANA CENTER FOR THE AGED AND TO PROVIDE RULEMAKING  
 7 AUTHORITY TO THE DEPARTMENT OF INSTITUTIONS TO ESTABLISH  
 8 CRITERIA FOR ADMISSION, TREATMENT, AND DISCHARGE; AMENDING  
 9 SECTIONS 53-21-411 THROUGH 53-21-413, MCA."

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

12 Section 1. Section 53-21-411, MCA, is amended to read:

13 "53-21-411. Location and function of center for the  
 14 aged. (1) The institution located at Lewistown is the  
 15 Montana center for the aged. The primary function of the  
 16 center is the care and treatment of persons 55 years of age  
 17 or older. Priority must be given to patients referred from  
 18 the Montana state hospital.

19 (2) Appropriate admissions to the Montana center for  
 20 the aged are persons unable to maintain themselves in their  
 21 homes or communities due to ~~mild-psychiatric--impairments~~  
 22 associated--with--the--aging--process a mental disorder as  
 23 defined in 53-21-102 but who do not require the intensity of  
 24 treatment available at the Montana state hospital.

25 (3) Admissions to the center are voluntary. The

1 department of institutions may adopt rules concerning  
 2 specific admission criteria, treatment, and discharge  
 3 procedures."

4 Section 2. Section 53-21-412, MCA, is amended to read:

5 "53-21-412. Transfer of patients between Montana state  
 6 hospital and center. (1) With the approval of the department  
 7 of institutions, ~~the-Montana-state-hospital-may-transfer-a~~  
 8 ~~patient-to-the-center--or--from--the--center--to--the--state~~  
 9 ~~hospital--Unless-a-medical-or-psychiatric-emergency-exists,~~  
 10 ~~15-days-prior-to-the-transfer-the--department--shall--notify~~  
 11 ~~the--patient's--parent,--guardian,--or-spouse-or,--if-none-is~~  
 12 ~~known,--his-nearest-relative-or-friend,--in--the--case--of--an~~  
 13 ~~emergency--transfer,--the-department-shall-send-notice-within~~  
 14 ~~72-hours-after-the-time-of-transfer. Montana state hospital~~  
 15 patients may be admitted to the center upon voluntary  
 16 application by the patient or the patient's guardian.

17 (2) A patient of the center may be voluntarily  
 18 admitted to Montana state hospital pursuant to 53-21-111 or  
 19 involuntarily committed pursuant to 53-21-114 through  
 20 53-21-127."

21 Section 3. Section 53-21-413, MCA, is amended to read:

22 "53-21-413. Discharge or--convalescent--release of  
 23 patients. ~~Upon-the-request-of-the~~ The superintendent of the  
 24 center,--the--department--of--institutions may authorize the  
 25 discharge or-release-on-convalescent--status of a patient



LC 1087/01

1 residing at the center ~~under the same restrictions provided~~  
2 ~~by law for the discharge and release on convalescent status~~  
3 ~~of patients of the state hospital~~; according to rules  
4 adopted by the department of institutions. However, no  
5 patient may be detained at the center without the consent of  
6 the patient or his guardian."

-End-

APPROVED BY COMM. ON  
HUMAN SERVICES AND AGING

1 STATEMENT OF INTENT  
2 HOUSE BILL NO. 729  
3 House Human Services and Aging Committee  
4

5 This bill requires a statement of intent because  
6 section 1 grants rulemaking authority to the department of  
7 institutions to adopt rules regarding the admission,  
8 treatment, and discharge of residents of the Montana center  
9 for the aged.

10 It is contemplated that rules relating to admission are  
11 to address the following:

- 12 (1) the medical condition of applicant;
- 13 (2) the mental condition of applicant; and
- 14 (3) the comprehensiveness of recent medical and mental
- 15 evaluation of an applicant.

16 It is intended that rules relating to treatment are to  
17 describe aspects of the center's program, including:

- 18 (1) services offered by the center; and
- 19 (2) the availability of medical support.

20 Rules relating to discharge are to include a  
21 requirement that residents must be discharged upon the  
22 request of the resident or his legal guardian, and they must  
23 include specific grounds for the discharge of a resident  
24 against his will. Such grounds must include whether the  
25 resident:

- 1 (1) can function independently; or
- 2 (2) requires more intensive medical or mental health
- 3 services.

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A BILL FOR AN ACT ENTITLED: "AN ACT TO REDEFINE THE ROLE OF THE MONTANA CENTER FOR THE AGED AND TO PROVIDE RULEMAKING AUTHORITY TO THE DEPARTMENT OF INSTITUTIONS TO ESTABLISH CRITERIA FOR ADMISSION, TREATMENT, AND DISCHARGE; AMENDING SECTIONS 53-21-411 THROUGH 53-21-413, MCA."

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

Section 1. Section 53-21-411, MCA, is amended to read:

"53-21-411. Location and function of center for the aged. (1) The institution located at Lewistown is the Montana center for the aged. The primary function of the center is the care and treatment of persons 55 years of age or older. Priority must be given to patients referred from the Montana state hospital.

(2) Appropriate admissions to the Montana center for the aged are persons unable to maintain themselves in their homes or communities due to ~~miid--psychiatric--impairments associated--with--the--aging--process~~ a mental disorder, as defined in 53-21-102, ASSOCIATED WITH THE AGING PROCESS, but who do not require the intensity of treatment available at

the Montana state hospital.

(3) Admissions to the center are voluntary. The department of institutions may adopt rules concerning specific admission criteria, treatment, and discharge procedures."

Section 2. Section 53-21-412, MCA, is amended to read:

"53-21-412. Transfer of patients between Montana state hospital and center. (1) With the approval of the department of institutions, the Montana state hospital may transfer a patient to the center or from the center to the state hospital. Unless a medical or psychiatric emergency exists, 15 days prior to the transfer the department shall notify the patient's parent, guardian, or spouse or, if none is known, his nearest relative or friend. In the case of an emergency transfer, the department shall send notice within 72 hours after the time of transfer. Montana state hospital patients may be admitted to the center upon voluntary application by the patient or the patient's guardian.

(2) A patient of the center may be voluntarily admitted to Montana state hospital pursuant to 53-21-111 or involuntarily committed pursuant to 53-21-114 through 53-21-127."

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1 center, ~~the department of institutions~~ may authorize the  
2 discharge ~~or release on convalescent status~~ of a patient  
3 residing at the center ~~under the same restrictions provided~~  
4 ~~by law for the discharge and release on convalescent status~~  
5 ~~of patients of the state hospital~~; according to rules  
6 adopted by the department of institutions. However, no  
7 patient may be detained at the center without the consent of  
8 the patient or his guardian."

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6 adopted by the department of institutions. However, no  
7 patient may be detained at the center without the consent of  
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