

SENATE BILL NO. 458

2/20 Introduced
2/21 Referred to Public Health, Welfare & Safety
2/21 Fiscal Note Requested
2/22 Hearing
2/22 Committee Report-Bill Pass As Amended
2/22 Statement of Intent Attached
2/26 Fiscal Note Received
2/26 2nd Reading Pass
2/27 3rd Reading Pass

Transmitted to House

3/06 Referred to Human Services & Aging
3/13 Hearing
3/26 Comm Report-Bill Concurred As Amended
3/30 2nd Reading Not Concurred
3/30 Bill Killed

1 *Senate* BILL NO. *458* *Parmenter*
 2 INTRODUCED BY *Lynne Menahan Keenan Hoffay Julie*
 3 *Harrington Jacqueline Stratz Dan Brown KRUEGG*

4 A BILL FOR AN ACT ENTITLED: "AN ACT RELATING TO THE
 5 ADEQUATE HABILITATION OF PATIENTS IN MENTAL HEALTH
 6 FACILITIES; REQUIRING QUALIFIED STAFF IN SUFFICIENT NUMBERS
 7 TO PROVIDE ADEQUATE HABILITATION OF PATIENTS ADMITTED TO THE
 8 MONTANA STATE HOSPITAL IN WARM SPRINGS; GRANTING THE
 9 DEPARTMENT OF INSTITUTIONS RULEMAKING AUTHORITY; AMENDING
 10 SECTION 53-21-102, MCA; AND PROVIDING EFFECTIVE DATES."

11
 12 WHEREAS, the courts have held that, once a person is
 13 committed to a mental health facility, such person possesses
 14 an inviolable constitutional right to habilitation; and

15 WHEREAS, the courts have declared that the right to
 16 habilitation includes the right to receive care by qualified
 17 professional staff in sufficient numbers to provide adequate
 18 habilitation; and

19 WHEREAS, the purpose of commitment to a mental health
 20 facility is habilitation and treatment and not merely to
 21 provide custodial care or isolation of the mentally ill; and

22 WHEREAS, the state has an affirmative obligation to
 23 provide a certain minimum quality of care and treatment that
 24 will give each patient admitted to a state mental health
 25 facility a reasonable opportunity to be cured or to improve

1 his mental condition.

2 THEREFORE, the Legislature of the State of Montana
 3 finds it appropriate to enact legislation to require
 4 qualified staff in sufficient numbers to provide adequate
 5 habilitation of patients in mental health facilities.
 6

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 8 Section 1. Section 53-21-102, MCA, is amended to read:
 9 "53-21-102. Definitions. As used in this part, the
 10 following definitions apply:

11 (1) "Board" or "mental disabilities board of visitors"
 12 means the mental disabilities board of visitors created by
 13 2-15-211.

14 (2) "Court" means any district court of the state of
 15 Montana.

16 (3) "Department" means the department of institutions
 17 provided for in Title 2, chapter 15, part 23.

18 (4) "Emergency situation" means a situation in which
 19 any person is in imminent danger of death or serious bodily
 20 harm from the activity of a person who appears to be
 21 seriously mentally ill.

22 (5) "Habilitation" means the process by which the
 23 staff of a mental health facility assists a patient to
 24 acquire and maintain those life skills that enable him to
 25 cope more effectively with the demands of his own person and



1 of his environment and to raise the level of his physical,
 2 mental, and social efficiency. Habilitation includes but is
 3 not limited to programs of formal, structured care and
 4 treatment.

5 †5†(6) "Mental disorder" means any organic, mental, or
 6 emotional impairment which has substantial adverse effects
 7 on an individual's cognitive or volitional functions.

8 †6†(7) "Mental health facility" or "facility" means a
 9 public hospital or a licensed private hospital which is
 10 equipped and staffed to provide treatment for persons with
 11 mental disorders or a community mental health center or any
 12 mental health clinic or treatment center approved by the
 13 department. No correctional institution or facility or jail
 14 is a mental health facility within the meaning of this part.

15 †7†(8) "Next of kin" shall include but need not be
 16 limited to the spouse, parents, adult children, and adult
 17 brothers and sisters of a person.

18 †8†(9) "Patient" means a person committed by the court
 19 for treatment for any period of time or who is voluntarily
 20 admitted for treatment for any period of time.

21 †9†(10) "Peace officer" means any sheriff, deputy
 22 sheriff, marshal, policeman, or other peace officer.

23 †10†(11) "Professional person" means:

24 (a) a medical doctor; or

25 (b) a person who has been certified, as provided for

1 in 53-21-106, by the department.

2 †11†(12) "Reasonable medical certainty" means
 3 reasonable certainty as judged by the standards of a
 4 professional person.

5 †12†(13) "Respondent" means a person alleged in a
 6 petition filed pursuant to this part to be seriously
 7 mentally ill.

8 †13†(14) "Friend of respondent" means any person
 9 willing and able to assist a seriously mentally ill person
 10 or person alleged to be seriously mentally ill in dealing
 11 with legal proceedings, including consultation with legal
 12 counsel and others. The friend of respondent may be the next
 13 of kin, the person's conservator or legal guardian, if any,
 14 representatives of a charitable or religious organization,
 15 or any other person appointed by the court to perform the
 16 functions of a friend of respondent set out in this part.
 17 Only one person may at any one time be the friend of
 18 respondent within the meaning of this part. In appointing a
 19 friend of respondent, the court shall consider the
 20 preference of the respondent. The court may at any time, for
 21 good cause shown, change its designation of the friend of
 22 respondent.

23 †14†(15) "Seriously mentally ill" means suffering from
 24 a mental disorder which has resulted in self-inflicted
 25 injury or injury to others or the imminent threat thereof or

1 which has deprived the person afflicted of the ability to
 2 protect his life or health. For this purpose, injury means
 3 physical injury. No person may be involuntarily committed to
 4 a mental health facility or detained for evaluation and
 5 treatment because he is an epileptic, mentally deficient,
 6 mentally retarded, senile, or suffering from a mental
 7 disorder unless the condition causes him to be seriously
 8 mentally ill within the meaning of this part.

9 ~~(15)~~(16) "State hospital" means the Montana state
 10 hospital."

11 NEW SECTION. Section 2. Right to have qualified staff
 12 in sufficient numbers to provide adequate habilitation. A
 13 patient is entitled to care by qualified staff in numbers
 14 sufficient to provide adequate habilitation. Each
 15 professional person and all other staff members employed by
 16 a mental health facility shall meet all licensing and
 17 certification requirements established by the department
 18 under 53-21-161.

19 NEW SECTION. Section 3. Minimum staff requirements at
 20 the state hospital in Warm Springs. (1) The department shall
 21 provide qualified staff in sufficient numbers to administer
 22 adequate habilitation of patients admitted to the state
 23 hospital in Warm Springs.

24 (2) The minimum staffing at the state hospital must be
 25 in the ratio provided in [section 4]. In addition, the staff

1 must include a psychiatrist if the administrative director
 2 is not a psychiatrist. The state hospital must have one or
 3 more physicians, psychiatrists, registered nurses, and other
 4 mental health personnel present or available at all times.
 5 One or more psychologists and social workers may be present
 6 on a time-limited basis.

7 NEW SECTION. Section 4. Staffing ratios. The
 8 department shall maintain a minimum ratio of permanent,
 9 full-time professional staff to resident patients at the
 10 state hospital in Warm Springs as follows:

11 <u>Personnel</u>	12 <u>Ratio Per 100 Patients</u>
13 Physicians	5
14 Psychologists	2
15 Social workers	2
16 Registered nurses	20
17 Other mental health personnel	25
18 Total staff	54

19 NEW SECTION. Section 5. Failure to comply with
 20 staffing requirements. (1) The director of the department
 21 shall require the administrative director of the state
 22 hospital in Warm Springs to submit an annual report
 23 documenting compliance with the requirements of [sections 3
 24 and 4].

25 (2) If the state hospital fails to meet the minimum
 standards required under [sections 3 and 4], the director of

1 the department shall require the administrative director of
 2 the state hospital to submit to the department a line item
 3 budget of proposed expenditures for the state hospital.

4 (3) The director of the department may deny any
 5 portion or portions of the proposed expenditures for the
 6 state hospital and may redirect funds within the budget for
 7 the hospital so as to improve program performance and bring
 8 it into compliance with the minimum standards.

9 NEW SECTION. Section 6. Restriction on admissions to
 10 the state hospital -- authority to adopt rules. (1) If
 11 necessary, the department shall limit the number of
 12 admissions to the state hospital in Warm Springs so as to
 13 maintain the staffing levels required in [sections 3 and 4].

14 (2) In order to restrict admissions to the state
 15 hospital, the department may adopt rules to limit admissions
 16 to those patients who require care at the state hospital.
 17 Such patients include:

- 18 (a) patients who are seriously mentally ill;
- 19 (b) patients requiring admission to the state hospital
 20 because of an emergency situation as described in 53-21-129;
 21 and
- 22 (c) any other patients who are so mentally ill as to
 23 require institutionalized care and treatment.

24 NEW SECTION. Section 7. Codification instruction.
 25 Sections 2 through 6 are intended to be codified as an

1 integral part of Title 53, chapter 21, part 1, and the
 2 provisions of Title 53, chapter 21, part 1, apply to
 3 sections 2 through 6.

4 NEW SECTION. Section 8. Effective date. Section 6(2)
 5 and this section are effective on passage and approval. The
 6 remaining provisions of this act are effective October 1,
 7 1985.

-End-

STATE OF MONTANA

FISCAL NOTE

REQUEST NO. FNN496-85

Form BD-15

In compliance with a written request received February 21 19 85, there is hereby submitted a Fiscal Note for S.B. 458 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 relating to the adequate habilitation of patients in mental health facilities; requiring qualified staff in sufficient numbers to provide adequate habilitation of patients admitted to the Montana State Hospital in Warm Springs; granting the Department of Institutions rulemaking authority; amending Section 53-21-102, MCA; and providing effective dates.

ASSUMPTIONS:

1. The population for determining the number of FTE needed (Ratios - Page 6 Section 4 of Bill) is 313.
2. The intent of this bill is not to reduce non-direct care positions and increase the Professional Positions to meet the required staffing (Ratios - Section 4).
3. The bill does not intend to reduce the population below 313 to meet the staffing requirements. (Ratios - Section 4). However, it is intended to keep the ADP at 313 so the required staffing is adequate.
4. Additional appropriated monies will be required to hire the additional staff.
5. No Vacancy Savings will be applied to the Personal Services Costs for the additional positions.
6. The other Mental Health Personnel referred to in Section 4 Page 6 Line 16 include:
 - Occupational Therapists
 - Recreational Therapists
 - Music Therapists
 - Rehabilitation Aides
 - Program Manager
 - Vocational Training Instructor
 - Licensed Practical Nurses

FISCAL IMPACT:

General Fund Expenditures Increase:	<u>FY1986</u>	<u>FY1987</u>	<u>Total Biennium</u>
Additional Personal Services - Montana State Hospital 62.10 FTE	\$1,927,210	\$1,927,210	\$3,854,420

David L. Hunter

BUDGET DIRECTOR
Office of Budget and Program Planning

Date: Feb 26, 1985
SB 458

STATE OF MONTANA
FISCAL NOTE

REQUEST NO. FNN486-85

Form BD-15

In compliance with a written request received February 20 19 85, there is hereby submitted a Fiscal Note for S.B. 452 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 creating the "Employee and Community Hazardous Chemical Information Act" to provide employees with information on hazardous chemicals in the work place.

ASSUMPTIONS:

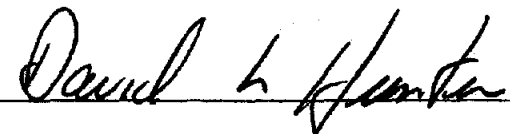
The Department of Health and Environmental Sciences will attempt to implement Senate Bill 452 within available resources.

FISCAL IMPACT:

No fiscal impact.

AFFECT ON COUNTY OR OTHER LOCAL REVENUE OR EXPENDITURE:

This bill may add considerable expense to local health and fire departments. The clerk and recorders' offices will also experience increased work and expense. A fiscal impact cannot be determined.



BUDGET DIRECTOR
Office of Budget and Program Planning

Date: Feb 26, 1985

APPROVED BY COMMITTEE
ON PUBLIC HEALTH, WELFARE
& SAFETY

STATEMENT OF INTENT

SENATE BILL 458

Senate Public Health, Welfare and Safety Committee

This bill requires a statement of intent because it grants the department of institutions authority to adopt rules to restrict admissions to the Montana state hospital in Warm Springs if necessary to achieve the staffing levels required by this bill.

It is the finding of the legislature that adequate habilitation cannot occur if the number of staff in relation to patients is insufficient to provide proper individual care, to control disturbances, and to protect the safety of patients from physical harm by other seriously disturbed patients.

Therefore, it is the intent of the legislature that the department of institutions limit admissions to the state hospital if the patient population is higher than the number permitted under the standards provided in the rules to be adopted by the department that require certain staff-patient ratios. It is contemplated that the department accomplish this goal to restrict patient levels by:

- (1) providing for habilitation of patients in a community-based setting whenever possible;
- (2) transferring patients to nonstate facilities;

- (3) limiting voluntary admissions; and
- (4) permitting habilitation in the institutionalized setting of the state hospital only if less restrictive alternatives are unavailable and if a person is so mentally ill as to require institutionalization.

In considering the administration of the provisions of this bill, the department should be guided by the practices and policies of other states, especially the administration of the Short-Doyle Act by the state of California.

SECOND READING

SB 458



SENATE BILL NO. 458

INTRODUCED BY LYNCH, MENAHAN, KEENAN, PAVLOVICH,
HAFFEY, QUILICI, HARRINGTON, JACOBSON, STIMATZ,
D. BROWN, KRUEGER, DANIELS

A BILL FOR AN ACT ENTITLED: "AN ACT RELATING TO THE
ADEQUATE HABILITATION OF PATIENTS IN MENTAL HEALTH
FACILITIES; REQUIRING QUALIFIED STAFF IN SUFFICIENT NUMBERS
TO PROVIDE ADEQUATE HABILITATION OF PATIENTS ADMITTED TO THE
MONTANA STATE HOSPITAL IN WARM SPRINGS; GRANTING THE
DEPARTMENT OF INSTITUTIONS RULEMAKING AUTHORITY; AMENDING
SECTION 53-21-102, MCA; AND PROVIDING EFFECTIVE DATES."

WHEREAS, the courts have held that, once a person is
committed to a mental health facility, such person possesses
an inviolable constitutional right to habilitation; and

WHEREAS, the courts have declared that the right to
habilitation includes the right to receive care by qualified
professional staff in sufficient numbers to provide adequate
habilitation; and

WHEREAS, the purpose of commitment to a mental health
facility is habilitation and treatment and not merely to
provide custodial care or isolation of the mentally ill; and

WHEREAS, the state has an affirmative obligation to
provide a certain minimum quality of care and treatment that

will give each patient admitted to a state mental health
facility a reasonable opportunity to be cured or to improve
his mental condition.

THEREFORE, the Legislature of the State of Montana
finds it appropriate to enact legislation to require
qualified staff in sufficient numbers to provide adequate
habilitation of patients in mental health facilities.

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

Section 1. Section 53-21-102, MCA, is amended to read:

"53-21-102. Definitions. As used in this part, the
following definitions apply:

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

(2) "Court" means any district court of the state of
Montana.

(3) "Department" means the department of institutions
provided for in Title 2, chapter 15, part 23.

(4) "Emergency situation" means a situation in which
any person is in imminent danger of death or serious bodily
harm from the activity of a person who appears to be
seriously mentally ill.

(5) "Habilitation" means the process by which the
staff of a mental health facility assists a patient to



1 acquire and maintain those life skills that enable him to
 2 cope more effectively with the demands of his own person and
 3 of his environment and to raise the level of his physical,
 4 mental, and social efficiency. Habilitation includes but is
 5 not limited to programs of formal, structured care and
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7 ~~(5)~~(6) "Mental disorder" means any organic, mental, or
 8 emotional impairment which has substantial adverse effects
 9 on an individual's cognitive or volitional functions.

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 11 public hospital or a licensed private hospital which is
 12 equipped and staffed to provide treatment for persons with
 13 mental disorders or a community mental health center or any
 14 mental health clinic or treatment center approved by the
 15 department. No correctional institution or facility or jail
 16 is a mental health facility within the meaning of this part.

17 ~~(7)~~(8) "Next of kin" shall include but need not be
 18 limited to the spouse, parents, adult children, and adult
 19 brothers and sisters of a person.

20 ~~(8)~~(9) "Patient" means a person committed by the court
 21 for treatment for any period of time or who is voluntarily
 22 admitted for treatment for any period of time.

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 24 sheriff, marshal, policeman, or other peace officer.

25 ~~(10)~~(11) "Professional person" means:

1 (a) a medical doctor; or

2 (b) a person who has been certified, as provided for
 3 in 53-21-106, by the department.

4 ~~(11)~~(12) "Reasonable medical certainty" means
 5 reasonable certainty as judged by the standards of a
 6 professional person.

7 ~~(12)~~(13) "Respondent" means a person alleged in a
 8 petition filed pursuant to this part to be seriously
 9 mentally ill.

10 ~~(13)~~(14) "Friend of respondent" means any person
 11 willing and able to assist a seriously mentally ill person
 12 or person alleged to be seriously mentally ill in dealing
 13 with legal proceedings, including consultation with legal
 14 counsel and others. The friend of respondent may be the next
 15 of kin, the person's conservator or legal guardian, if any,
 16 representatives of a charitable or religious organization,
 17 or any other person appointed by the court to perform the
 18 functions of a friend of respondent set out in this part.
 19 Only one person may at any one time be the friend of
 20 respondent within the meaning of this part. In appointing a
 21 friend of respondent, the court shall consider the
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 23 good cause shown, change its designation of the friend of
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 2 injury or injury to others or the imminent threat thereof or
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 14 in sufficient numbers to provide adequate habilitation. A
 15 patient is entitled to care by qualified staff in numbers
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 17 professional person and all other staff members employed by
 18 a mental health facility shall meet all licensing and
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21 NEW SECTION. Section 3. Minimum staff requirements at
 22 the state hospital in Warm Springs. (1) The department shall
 23 provide qualified staff in sufficient numbers to administer
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1 (2) The minimum staffing at the state hospital must be
 2 in the ratio provided in [section 4]. In addition, the staff
 3 must include a psychiatrist if the administrative director
 4 is not a psychiatrist. The state hospital must have one or
 5 more physicians, psychiatrists, registered nurses, and other
 6 mental health personnel present or available at all times.
 7 One or more psychologists and social workers may be present
 8 on a time-limited basis.

9 NEW SECTION. Section 4. Staffing ratios. (1) The
 10 department shall maintain a minimum ratio of permanent,
 11 full-time professional staff to resident patients at the
 12 state hospital in Warm Springs as follows:

13 (2) THE DEPARTMENT SHALL DETERMINE THIS RATIO BY RULE
 14 FOR THE FOLLOWING PERSONNEL:

<u>Personnel</u>	<u>Ratio-Per-100-Patients</u>
16 Physicians	5
17 Psychologists	2
18 Social workers	2
19 Registered nurses	20
20 Other mental health personnel	25
21 Total-staff	54

22 NEW SECTION. Section 5. Failure to comply with
 23 staffing requirements. (1) The director of the department
 24 shall require the administrative director of the state
 25 hospital in Warm Springs to submit an annual report

1 documenting compliance with the requirements of [sections 3
2 and 4].

3 (2) If the state hospital fails to meet the minimum
4 standards required under [sections 3 and 4], the director of
5 the department shall require the administrative director of
6 the state hospital to submit to the department a line item
7 budget of proposed expenditures for the state hospital.

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10 state hospital and may redirect funds within the budget for
11 the hospital so as to improve program performance and bring
12 it into compliance with the minimum standards.

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14 the state hospital -- authority to adopt rules. (1) If
15 necessary, the department shall limit the number of
16 admissions to the state hospital in Warm Springs so as to
17 maintain the staffing levels required in [sections 3 and 4].

18 (2) In order to restrict admissions to the state
19 hospital, the department may adopt rules to limit admissions
20 to those patients who require care at the state hospital.
21 Such patients include:

- 22 (a) patients who are seriously mentally ill;
23 (b) patients requiring admission to the state hospital
24 because of an emergency situation as described in 53-21-129;
25 and

1 (c) any other patients who are so mentally ill as to
2 require institutionalized care and treatment.

3 NEW SECTION. Section 7. Codification instruction.
4 Sections 2 through 6 are intended to be codified as an
5 integral part of Title 53, chapter 21, part 1, and the
6 provisions of Title 53, chapter 21, part 1, apply to
7 sections 2 through 6.

8 NEW SECTION. Section 8. Effective date. Section
9 SECTIONS 4(2) AND 6(2) and this section are effective on
10 passage and approval. The remaining provisions of this act
11 are effective ~~October-17-1985~~ JULY 1, 1987.

-End-

STATEMENT OF INTENT

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Senate Public Health, Welfare and Safety Committee

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THIRD READING

SB 458



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 14 WHEREAS, the courts have held that, once a person is
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25 †14†(15) "Seriously mentally ill" means suffering from

1 a mental disorder which has resulted in self-inflicted
 2 injury or injury to others or the imminent threat thereof or
 3 which has deprived the person afflicted of the ability to
 4 protect his life or health. For this purpose, injury means
 5 physical injury. No person may be involuntarily committed to
 6 a mental health facility or detained for evaluation and
 7 treatment because he is an epileptic, mentally deficient,
 8 mentally retarded, senile, or suffering from a mental
 9 disorder unless the condition causes him to be seriously
 10 mentally ill within the meaning of this part.

11 {15}(16) "State hospital" means the Montana state
 12 hospital."

13 NEW SECTION. Section 2. Right to have qualified staff
 14 in sufficient numbers to provide adequate habilitation. A
 15 patient is entitled to care by qualified staff in numbers
 16 sufficient to provide adequate habilitation. Each
 17 professional person and all other staff members employed by
 18 a mental health facility shall meet all licensing and
 19 certification requirements established by the department
 20 under 53-21-161.

21 NEW SECTION. Section 3. Minimum staff requirements at
 22 the state hospital in Warm Springs. (1) The department shall
 23 provide qualified staff in sufficient numbers to administer
 24 adequate habilitation of patients admitted to the state
 25 hospital in Warm Springs.

1 (2) The minimum staffing at the state hospital must be
 2 in the ratio provided in [section 4]. In addition, the staff
 3 must include a psychiatrist if the administrative director
 4 is not a psychiatrist. The state hospital must have one or
 5 more physicians, psychiatrists, registered nurses, and other
 6 mental health personnel present or available at all times.
 7 One or more psychologists and social workers may be present
 8 on a time-limited basis.

9 NEW SECTION. Section 4. Staffing ratios. (1) The
 10 department shall maintain a minimum ratio of permanent,
 11 full-time professional staff to resident patients at the
 12 state hospital in Warm Springs as follows:

13 (2) THE DEPARTMENT SHALL DETERMINE THIS RATIO BY RULE
 14 FOR THE FOLLOWING PERSONNEL:

<u>Personnel</u>	<u>Ratio-Per-100-Patients</u>
15 Physicians	5
16 Psychologists	2
17 Social workers	2
18 Registered nurses	20
19 Other mental health personnel	25
20 Total-staff	54

21
 22 NEW SECTION. Section 5. Failure to comply with
 23 staffing requirements. (1) The director of the department
 24 shall require the administrative director of the state
 25 hospital in Warm Springs to submit an annual report

1 documenting compliance with the requirements of [sections 3
2 and 4].

3 (2) If the state hospital fails to meet the minimum
4 standards required under [sections 3 and 4], the director of
5 the department shall require the administrative director of
6 the state hospital to submit to the department a line item
7 budget of proposed expenditures for the state hospital.

8 (3) The director of the department may deny any
9 portion or portions of the proposed expenditures for the
10 state hospital and may redirect funds within the budget for
11 the hospital so as to improve program performance and bring
12 it into compliance with the minimum standards.

13 NEW SECTION. Section 6. Restriction on admissions to
14 the state hospital -- authority to adopt rules. (1) If
15 necessary, the department shall limit the number of
16 admissions to the state hospital in Warm Springs so as to
17 maintain the staffing levels required in [sections 3 and 4].

18 (2) In order to restrict admissions to the state
19 hospital, the department may adopt rules to limit admissions
20 to those patients who require care at the state hospital.
21 Such patients include:

22 (a) patients who are seriously mentally ill;

23 (b) patients requiring admission to the state hospital
24 because of an emergency situation as described in 53-21-129;
25 and

1 (c) any other patients who are so mentally ill as to
2 require institutionalized care and treatment.

3 NEW SECTION. Section 7. Codification instruction.
4 Sections 2 through 6 are intended to be codified as an
5 integral part of Title 53, chapter 21, part 1, and the
6 provisions of Title 53, chapter 21, part 1, apply to
7 sections 2 through 6.

8 NEW SECTION. Section 8. Effective date. Section
9 SECTIONS 4(2) AND 6(2) and this section are effective on
10 passage and approval. The remaining provisions of this act
11 are effective ~~October-17-1985~~ JULY 1, 1987.

-End-

STANDING COMMITTEE REPORT

HOUSE

March 22 19 85
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MR. Speaker

We, your committee on Human Services and Aging

having had under consideration Senate Bill No. 458

third reading copy (blue color)

Requires sufficient staff to provide habilitation of mentally ill patients

Respectfully report as follows: That Senate Bill No. 458

be amended as follows:

1. Page 2.
Following: line 19
Insert: "(4) "Direct care nursing staff" means professional and paraprofessional staff, including registered nurses, licensed practical nurses, psychiatric aides, and special duty aides who work directly with patients, as defined in the classification specification series for direct care nursing staff published by the department of administration personnel division."
Renumber: subsequent subsections

2. Page 3, line 6.
Following: "treatment"
Insert: "consistent with the requirements of 53-21-162"

REP. KEENAN
Chairman

Human Services and Aging
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3. Page 3.
Following: line 19
Insert: "(10) "Other mental health personnel" means professional and paraprofessional staff, including occupational therapists, recreational therapists, music therapists, rehabilitation aides, and vocational and educational instructors."

Renumber: subsequent subsections

4. Page 3.
Following: line 24
Insert: "(13) "Physician" means a medical practitioner licensed by the Montana board of medical examiners to practice medicine in the state of Montana.

(14) "Post analysis" means the process of determining the appropriate number, disciplines, and levels of staff needed to meet licensure criteria; the treatment needs of the patients; and safety and security requirements through a work factor analysis of duty station full-time equivalent staff requirements for each work shift covering 24 hours in a day, 7 days a week."

Renumber: subsequent subsections

5. Page 4.
Following: line 3
Insert: "(16) "Psychologist" means a treatment professional who performs formal diagnostic testing, counseling, and evaluation services based upon the principles of the discipline of psychology as defined in the job classification specification series for psychologists published by the department of administration personnel division."

Renumber: subsequent subsections

6. Page 5.
Following: line 10
Insert: "(21) "Social worker" means a treatment professional who prepares social histories and discharge plans, provides counseling, maintains contact with patients' families, coordinates services with other human services agencies, and assists with treatment planning based upon the principles of the discipline of social work as defined in the job classification specification series for social workers published by the department of administration personnel division."

Renumber: subsequent subsections

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Chairman

SB 458

7. Page 6, line 2.
Following: line 1
Strike: "in the ratio"
Insert: "at the staffing level"
8. Page 6, line 9.
Following: "staffing"
Strike: "ratios"
Insert: "levels -- rulemaking"
9. Page 6, line 9.
Following: "(1)"
Strike: "The"
Insert: "Based on an average daily patient population not in excess of the number provided for in the appropriation to the department for the fiscal year, the"
10. Page 6, line 10.
Following: "minimum"
Strike: "ratio"
Insert: "level"
11. Page 6, line 11.
Following: "staff"
Insert: "necessary"
Following: "to"
Insert: "provide adequate habilitation of"
12. Page 6, line 12.
Following: "follows"
Strike: "."
Insert: ", as follows:"
13. Page 6, lines 13 through 14.
Strike: lines 13 and 14
14. Page 6, line 15.
Following: "~~Personnel~~"
Insert: "Personnel"
Following: "~~Patients~~"
Insert: "Full-Time Equivalent Employees"
15. Page 6, line 16.
Following: "5"
Insert: "6"
16. Page 6, line 17.
Following: "2"
Insert: "7"

17. Page 6, line 18.
Following: "2"
Insert: "12"
 18. Page 6, line 19.
Strike: line 19 in its entirety
 19. Page 6, line 20.
Following: "25"
Insert: "24"
 20. Page 6.
Following: line 21
Insert: "(2) In addition to the staffing levels established in subsection (1), the department shall adopt rules to maintain an adequate level of direct care nursing staff, based on a post analysis of personnel requirements at the state hospital in Warm Springs."
- STATEMENT OF INTENT AMENDED AS FOLLOWS:
- 1) Page 1, line 3.
Strike: line 3 in its entirety
 - 2) Page 1, line 6.
Following: line 5
Strike: "grants"
Insert: "contains a delegation of authority, as defined in 5-4-403, to allow"
 - 3) Page 1, line 7.
Following: "rules"
Insert: "to maintain adequate staffing levels and"
 - 4) Page 1, line 17.
Following: "institutions"
Insert: "establish minimum staffing levels for direct care nursing staff and that the department"
 - 5) Page 1, lines 18 through 21.
Following: "if"
Strike: remainder of line 18 through "ratios" on line 21
Insert: "necessary in order to maintain the staffing levels required under [sections 3 and 4]"

REP. KEENAN
Chairman.

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Chairman.

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6) Page 1, line 21.

Following: "ratios."

Insert and indent as a new paragraph: "It is contemplated that, in developing rules to establish minimum direct care nursing staffing levels, the department should take into consideration the following:

- (1) the average daily patient population at the state hospital;
- (2) the acuity of patient care;
- (3) the individual treatment needs of patients;
- (4) safety and security requirements;
- (5) daily routine work requirements;
- (6) the total number of patients assigned to individual direct care nursing staff in each work circumstance; and
- (7) other appropriate factors.

Instruction: indent and create new paragraph for subsequent sentence beginning with "It is contemplated"

Following: "It is"

Insert: "further"

Following: "department"

Strike: "accomplish"

Insert: "prescribe rules"

7) Page 1, line 22.

Following: line 21

Strike: "this goal"

8) Page 2, lines 6 through 9.

Following: line 5

Strike: lines 6 through 9 in their entirety

Insert: "It is recommended that, in devising rules to limit admissions to the state hospital, the department should be guided by the administrative rules adopted by the Washington state department of social and health services implementing voluntary admissions to men health facilities pursuant to Wash. Rev. Code 72.23.110."

AND AS AMENDED BE CONCURRED IN

89A
REP. KEENAN

Keenan

Chairman.