

1 INTRODUCED BY House BILL NO. 402

2 A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THAT THE
3 DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES MAY BY RULE
4 ESTABLISH RECORD RETENTION SCHEDULES FOR MENTAL HEALTH
5 FACILITIES; AND AMENDING SECTION 53-21-165; MCA."
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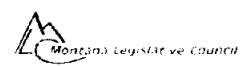
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9 Section 1. Section 53-21-165, MCA, is amended to read:

10 "53-21-165. Records to be maintained. Complete patient
11 records shall be kept by the mental health facility for the
12 length of time required by rules established by the
13 department of health and environmental sciences, and all
14 records kept by the mental health facility shall be
15 available to any person authorized by the patient in writing
16 to receive these records and upon approval of the
17 authorization by the board. The records shall also be made
18 available to any attorney charged with representing the
19 patient or any professional person charged with evaluating
20 or treating the patient. These records shall include:

- 21 (1) identification data, including the patient's legal
22 status;
- 23 (2) a patient history, including but not limited to:
24 (a) family data, educational background, and
25

- 1 employment record;
- 2 (b) prior medical history, both physical and mental,
3 including prior hospitalization;
- 4 (3) the chief complaints of the patient and the chief
5 complaints of others regarding the patient;
- 6 (4) an evaluation which notes the onset of illness,
7 the circumstances leading to admission, attitudes, behavior,
8 estimate of intellectual functioning, memory functioning,
9 orientation, and an inventory of the patient's assets in
10 descriptive rather than interpretative fashion;
- 11 (5) a summary of each physical examination which
12 describes the results of the examination;
- 13 (6) a copy of the individual treatment plan and any
14 modifications thereto;
- 15 (7) a detailed summary of the findings made by the
16 reviewing professional person after each periodic review of
17 the treatment plan which analyzes the successes and failures
18 of the treatment program and directs whatever modifications
19 are necessary;
- 20 (8) a copy of the individualized after-care plan and
21 any modifications thereto and a summary of the steps that
22 have been taken to implement that plan;
- 23 (9) a medication history and status which includes the
24 signed orders of the prescribing physician. The staff person
25 administering the medication shall indicate by signature



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2 (10) a detailed summary of each significant contact by
3 a professional person with the patient;

-End-

4 (11) a detailed summary, on at least a weekly basis, by
5 a professional person involved in the patient's treatment,
6 of the patient's progress along the treatment plan;

7 (12) a weekly summary of the extent and nature of the
8 patient's work activities and the effect of such activity
9 upon the patient's progress along the treatment plan;

10 (13) a signed order by a professional person for any
11 restrictions on visitations and communications;

12 (14) a signed order by a professional person for any
13 physical restraints and isolation;

14 (15) a detailed summary of any extraordinary incident
15 in the facility involving the patient, to be entered by a
16 staff member noting that he has personal knowledge of the
17 incident or specifying his other source of information and
18 initialed within 24 hours by a professional person; and

19 (16) a summary by the professional person in charge of
20 the facility or his appointed agent of his findings after
21 the 30-day review provided for in 53-21-163."

22 NEW SECTION. Section 2. Extension of authority. Any
23 existing authority of the department of health and
24 environmental sciences to make rules on the subject of the
25 provisions of this act is extended to the provisions of this

APPROVED BY COMM. ON HUMAN SERVICES AND AGING

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