

HOUSE BILL NO. 641

INTRODUCED BY MENAHAN, KEENAN, DAILY, MILLER

IN THE HOUSE

FEBRUARY 6, 1987                   INTRODUCED AND REFERRED TO COMMITTEE  
ON HUMAN SERVICES & AGING.

FEBRUARY 16, 1987                  COMMITTEE RECOMMEND BILL  
DO PASS AS AMENDED. REPORT ADOPTED.

FEBRUARY 17, 1987                  PRINTING REPORT.

FEBRUARY 18, 1987                  SECOND READING, DO PASS AS AMENDED.

FEBRUARY 19, 1987                  ENGROSSING REPORT.

FEBRUARY 20, 1987                  THIRD READING, PASSED.  
AYES, 85; NOES, 6.

TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 21, 1987                  INTRODUCED AND REFERRED TO COMMITTEE  
ON PUBLIC HEALTH, WELFARE & SAFETY.

MARCH 26, 1987                    COMMITTEE RECOMMEND BILL BE  
CONCURRED IN AS AMENDED. REPORT  
ADOPTED.

MARCH 30, 1987                    SECOND READING, CONCURRED IN.

ON MOTION, RULES SUSPENDED AND BILL  
PLACED ON THIRD READING THIS DAY.

THIRD READING, CONCURRED IN.  
AYES, 50; NOES, 0.

RETURNED TO HOUSE WITH AMENDMENTS.

IN THE HOUSE

APRIL 8, 1987

RECEIVED FROM SENATE.

SECOND READING, AMENDMENTS  
CONCURRED IN.

APRIL 9, 1987

THIRD READING, AMENDMENTS  
CONCURRED IN.

SENT TO ENROLLING.

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INTRODUCED BY House BILL NO. 641  
*Menahan Keenan Daily*  
*Miller*

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR MEDICAL TREATMENT OF CHILDREN AT MONTANA STATE HOSPITAL WHEN NO OTHER MEDICAL TREATMENT IS AVAILABLE; AND AMENDING SECTION 53-6-301, MCA."

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

NEW SECTION. Section 1. Treatment of children at Montana state hospital. The department may place children requiring medical care in the Montana state hospital if it determines medical care is not available for the child from any other public or private health care provider or facility.

Section 2. Section 53-6-301, MCA, is amended to read:

"53-6-301. Location and primary function of hospital.

(1) The agency providing comprehensive health care services at Galen and Warm Springs, Montana, is the Montana state hospital and as its primary function provides:

- (a) care and treatment of mentally ill persons;
- (b) diagnosis, care, evaluation, treatment, referral, and rehabilitation of persons afflicted with chemical dependency;
- (c) care and treatment of institutional residents or

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clients of the department's community and residential programs who require acute hospital care or nursing care;

(d) treatment of tuberculosis and silicosis (commonly called miner's consumption);

(e) detoxification of those persons who seek relief from the disabling effects of alcohol and other chemical substances; and

(f) contingent upon space and funds, the treatment of pulmonary diseases and other medical or organic disorders, including treatment of children as provided in [section 1].

(2) The campus facility at Warm Springs, Montana, is the component designated as the mental health facility, as defined in 53-21-102, of the department of institutions for the care and treatment of mentally ill persons.

(3) The designated campus facilities at Galen, Montana, are the components designated as the department's residential treatment facilities for those persons suffering from chemical dependency.

(4) The campus facility at Galen, Montana, licensed to provide acute hospital and intermediate nursing care, is the facility component designated for the care and treatment of the medical and organic disorders described in this section."

NEW SECTION. Section 3. Extension of authority. Any existing authority of the department of institutions to make



LC 1550/01

1 rules on the subject of the provisions of this act is  
2 extended to the provisions of this act.

3 NEW SECTION. Section 4. Codification instruction.  
4 Section 1 is intended to be codified as an integral part of  
5 Title 53, chapter 4, part 1, and the provisions of Title 53,  
6 chapter 4, part 1, apply to section 1.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB641, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

The bill permits the department to place children requiring medical care at Montana State Hospital. Because the bill is permissive, potential costs cannot be determined. If used infrequently, no major fiscal impacts would occur. Any placement would, however, have to be of short duration, or the Hospital would have to establish an educational program to comply with Public Law 94.

ASSUMPTIONS:

N/A

FISCAL IMPACT:

Without knowing the number of children to be placed at the hospital, a fiscal impact cannot be determined.

*David L. Hunter* DATE *2/13/87*

DAVID L. HUNTER, BUDGET DIRECTOR  
Office of Budget and Program Planning

*Wm Red Menahan* DATE *2/14/87*  
WILLIAM (RED) MENAHAN, PRIMARY SPONSOR

Fiscal Note for HB641, as introduced.

**HB 641**

APPROVED BY COMM. ON  
HUMAN SERVICES AND AGING

HOUSE BILL NO. 641

INTRODUCED BY MENAHAN, KEENAN, DAILY, MILLER

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR MEDICAL  
TREATMENT OF CHILDREN INDIVIDUALS LESS THAN 18 YEARS OF AGE  
AT MONTANA STATE HOSPITAL ~~WHEN NO OTHER MEDICAL TREATMENT IS~~  
~~AVAILABLE~~ UNDER CERTAIN CIRCUMSTANCES; AND AMENDING SECTION  
53-6-301 53-21-506, MCA; AND PROVIDING AN IMMEDIATE  
EFFECTIVE DATE AND A TERMINATION DATE."

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

(Refer to Introduced Bill)

Strike everything after the enacting clause and insert:

Section 1. Section 53-21-506, MCA, is amended to read:

"53-21-506. No commitment to Montana state hospital.

(1) An individual less than 18 years of age may not be  
voluntarily admitted or committed by a court to the Montana  
state hospital unless such individual is transferred to  
district court pursuant to 41-5-206.

(2) An individual less than 18 years of age may be  
temporarily admitted to the Montana state hospital by the  
department of institutions if:

(a) (i) the court finds that the individual is  
seriously mentally ill; or

(ii) the court finds that reasonable grounds exist that

the individual is suffering from a mental disorder, as  
defined in 53-21-102, and the court requests an evaluation  
not to exceed 60 days for the sole purpose of determining  
whether the individual is seriously mentally ill;

(b) the treatment space provided for in section 5,  
Chapter 14, Special Laws of June 1986, is fully utilized;  
and

(c) other appropriate inpatient psychiatric treatment  
space is not available."

NEW SECTION. Section 2. Effective date --  
termination. This act is effective on passage and approval  
and terminates June 30, 1989.

-End-



HOUSE BILL NO. 641

INTRODUCED BY MENAHAN, KEENAN, DAILY, MILLER

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR MEDICAL TREATMENT OF CHILDREN INDIVIDUALS LESS THAN 18 YEARS OF AGE, BUT NOT LESS THAN 12, AT MONTANA STATE HOSPITAL WHEN NO OTHER MEDICAL TREATMENT IS AVAILABLE UNDER CERTAIN CIRCUMSTANCES; AND AMENDING SECTION 53-6-301 53-21-506, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A TERMINATION DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: (Refer to Introduced Bill)

Strike everything after the enacting clause and insert:

Section 1. Section 53-21-506, MCA, is amended to read:

"53-21-506. No commitment to Montana state hospital.

(1) An individual less than 18 years of age may not be voluntarily admitted or committed by a court to the Montana state hospital unless such individual is transferred to district court pursuant to 41-5-206.

(2) An NOTWITHSTANDING THE PROVISIONS OF 41-5-523, AN individual less than 18 years of age, BUT NOT LESS THAN 12, may be temporarily admitted to the Montana state hospital by the department of institutions if:

(a) (i) FOR NOT MORE THAN 30 DAYS IF the court finds

that the individual is seriously mentally ill, AS DEFINED IN 53-21-102, BUT WHOSE TEMPORARY ADMISSION SHALL NOT EXCEED 30 DAYS; or

(ii) IF the court finds that reasonable grounds exist that the individual is suffering from a mental disorder, as defined in 53-21-102, and the court requests an evaluation not to exceed 60 days for the sole purpose of determining whether the individual is seriously mentally ill. AFTER 30 DAYS, THE COURT WILL REVIEW THE STATUS OF THE EVALUATION AND TAKE APPROPRIATE ACTION.

(b) the treatment space provided for in section 5, Chapter 14, Special Laws of June 1986, is fully utilized; and

(c) other appropriate inpatient psychiatric treatment space is not available."

NEW SECTION. Section 2. Effective date -- termination. (1) This act is effective on passage and approval, and

(2) SECTION 1(2) terminates June 30, 1989.

-End-



# STANDING COMMITTEE REPORT

## SENATE

SCRHB641

March 25, 1987

MR. PRESIDENT

We, your committee on Public Health, Welfare & Safety  
having had under consideration House Bill No. 641  
~~third~~ reading copy ( blue )  
color

### TREATMENT OF MINORS AT MONTANA STATE HOSPITAL

MENAHAN (JACOBSON)

Respectfully report as follows: That ..... No. ....  
House Bill 641

BE AMENDED AS FOLLOWS:

1. Page 1, line 24.  
Following: "institutions"  
Strike: "if"
2. Page 1, line 25.  
Following: "(a) (i)"  
Insert: "for not more than 30 days if"
3. Page 2, lines 1 and 2.  
Following: "53-21-102"  
Strike: ", BUT WHOSE TEMPORARY ADMISSION SHALL NOT EXCEED 30 DAYS"
4. Page 2, line 3.  
Following: "(ii)"  
Insert: "if"
5. Page 2, lines 16 and 17.  
Following: "termination."  
Insert: "(1)"  
Following: "approval"  
Insert: "."  
Strike: "and"  
Insert: "(2) Section 1(2)"

AND AS AMENDED,  
BE CONCURRED IN

~~83-4-88~~

~~83-4-88~~

3-25-87  
144  
1130

*Donalty Eck*  
.....  
Chairman.

Senator Eck