

SB 251 INTRODUCED BY REGAN, ADDY
REQUIRE CONSUMER/FAMILY MEMBER APPOINTED TO MENTAL
DISABILITIES BOARD

1/29 INTRODUCED
1/29 REFERRED TO PUBLIC HEALTH, WELFARE & SAFETY
1/29 FISCAL NOTE REQUESTED
2/06 HEARING
2/10 FISCAL NOTE RECEIVED
2/11 ADVERSE COMMITTEE REPORT ADOPTED 43 4

1 INTROSUCED BY Senate BILL NO. 251
2 Frank Kelly
3

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO INCREASE THE NUMBER
5 OF MEMBERS ON THE MENTAL DISABILITIES BOARD OF VISITORS AND
6 THE REGIONAL MENTAL HEALTH CORPORATION BOARD BY TWO CONSUMER
7 AT-LARGE MEMBERS; AND AMENDING SECTIONS 2-15-211 AND
8 53-21-204, MCA."
9

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

11 Section 1. Section 2-15-211, MCA, is amended to read:

12 "2-15-211. Mental disabilities board of visitors --
13 composition -- allocation. (1) The governor shall appoint a
14 mental disabilities board of visitors.

15 (2) (a) The board shall consist of ~~five~~ seven persons
16 representing but not limited to consumers, doctors of
17 medicine, and the behavioral sciences, at least three of
18 whom may not be professional persons and at least one of
19 whom shall be a representative of an organization concerned
20 with the care and welfare of the mentally ill and one
21 representative of an organization concerned with the care
22 and welfare of the mentally retarded or developmentally
23 disabled. The seven members must include:

24 (i) a person who is willing to publicly acknowledge
25 that he is being or has been treated for a chronic mental

1 illness; and

2 (ii) a family member of any person described in
3 subsection (2)(a)(i).

4 (b) No one may be a member of the board who is a
5 full-time agent or employee of the department of
6 institutions or a mental health facility affected by Title
7 53, chapter 20, part 1, and chapter 21, part 1, except this
8 prohibition does not affect any employee of a state college
9 or university.

10 (c) In instances where the board involves
11 multi-counties, the two at-large members shall be appointed
12 by the drawing of lots.

13 (3) The mental disabilities board of visitors shall be
14 attached to the governor for administrative purposes. It
15 may employ staff for the purpose of carrying out its duties
16 as set out in Title 53, chapter 20, part 1, and chapter 21,
17 part 1."

18 Section 2. Section 53-21-204, MCA, is amended to read:

19 "53-21-204. Mental health corporations. (1) Mental
20 health regions shall be established in the state mental
21 health plan and shall conform to the mental health regions
22 as established in the state mental health construction plan
23 promulgated by the board of health and environmental
24 sciences under the federal Community Mental Health Centers
25 Act.

1 (2) The mental health regions shall establish
 2 themselves under Title 35, chapter 2. Upon incorporation, a
 3 mental health region may enter into contracts with the
 4 department in order to carry out the department's
 5 comprehensive plan for mental health. These nonprofit
 6 corporations shall not be considered agencies of the
 7 department or the state of Montana; however, they may retain
 8 and enter into retirement programs as established under
 9 Title 19, chapter 3, The Public Employees' Retirement System
 10 Act. Upon the establishment of the mental health regions,
 11 the county commissioners in each of the various counties in
 12 the region shall designate a person from their respective
 13 county to serve as a representative of the county on the
 14 regional mental health corporation board. In addition, the
 15 chairman of the regional mental health corporation board
 16 shall appoint two at-large members according to federal
 17 guidelines as follows:

18 (a) a person who is willing to publicly acknowledge
 19 that he is being or has been treated for a chronic mental
 20 illness; and

21 (b) a family member of any person described in
 22 subsection (2)(a).

23 (3) The board shall be established under guidelines
 24 adopted by the bylaws of the corporation. All appointments
 25 to the board shall be for terms of 2 years, and the

1 department shall be notified in writing of all appointments.
 2 The at-large positions may not be filled until persons with
 3 the necessary qualifications under subsections (2)(a) and
 4 (2)(b) are found. In instances where the board involves
 5 multi-counties, the two at-large members shall be appointed
 6 by the drawing of lots.

7 ~~†3†~~(4) The duties of an organized regional mental
 8 health corporation board include:

9 (a) annual review and evaluation of mental health
 10 needs and services within the region;

11 (b) preparation and submission to the department and
 12 to each of the counties in the region of plans and budget
 13 proposals to provide and support mental health services
 14 within the region;

15 (c) establishment of a recommended proportionate level
 16 of financial participation of each of the counties within
 17 the region in the provision of mental health services within
 18 the limits of this section;

19 (d) receipt and administration of moneys and other
 20 support made available for the purposes of providing mental
 21 health services by the participating agencies, including
 22 grants from the United States government and other agencies,
 23 receipts for established fees for services rendered, tax
 24 moneys, gifts, donations, and any other type of support or
 25 income. All funds received by the board in accordance with

1 this part shall be used to carry out the purposes of this
2 part.

3 (e) supervision of appropriate administrative staff
4 personnel of the operation of community mental health
5 services within the region;

6 (f) keeping all records of the board and making
7 reports required by the department.

8 ~~(4)~~(5) Regional mental health board members shall be
9 reimbursed from funds of the board for actual and necessary
10 expenses incurred in attending meetings and in the discharge
11 of board duties when assigned by the board.

12 ~~(5)~~(6) Prior to June 10 of each year, the board of
13 mental health shall submit to the board of county
14 commissioners of each of the counties within the constituted
15 mental health region an annual budget, specifying each
16 county's recommended proportionate share. If the board of
17 county commissioners includes in the county budget the
18 county's proportionate share of the regional board's budget,
19 it shall be designated as a participating county. Funds for
20 each participating county's proportionate share for the
21 operation of mental health services within the region shall
22 be derived from the county's general fund. If the general
23 fund is insufficient to meet the approved budget, a levy not
24 to exceed 1 mill may be made on the taxable valuation of the
25 county in addition to all other taxes allowed by law to be

1 levied on such property.

2 ~~(6)~~(7) The regional board of mental health with the
3 approval of the department shall establish a schedule of
4 fees for mental health services. The fees may be received by
5 the board and used to implement the budget in accordance
6 with 53-21-204~~(3)~~(4)(d)."

7 NEW SECTION. Section 3. Extension of authority. Any
8 existing authority of the department of institutions or the
9 mental disabilities board of visitors to make rules on the
10 subject of the provisions of this act is extended to the
11 provisions of this act.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for SB251, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

Increase the number of members on the Mental Disabilities Board of Visitors and the Regional Mental Health Corporation Board by two consumer at-large members; and amending sections 2-15-211 and 53-21-204, MCA.

ASSUMPTIONS:

1. The proposed legislation would increase the regional mental health corporations board by two consumer at large members.
2. The Board of Visitors will increase by two consumer at large members.
3. The costs associated with board members include travel, meals, lodging and registration to attend in-state meetings and some out-of-state conferences.
4. The cost per board member does not increase over the 1987 level.

FISCAL IMPACT:

	<u>FY88</u>			<u>FY89</u>		
<u>Expenditures:</u>	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>
Regional Mental Health Board	\$29,018	\$35,138	\$ 6,120	\$29,018	\$35,138	\$ 6,120
Board of Visitors	8,315	11,641	3,326	8,315	11,641	3,326
TOTAL	\$37,333	\$46,779	\$ 9,446	\$37,333	\$46,779	\$ 9,446
 <u>Funding:</u>						
General Fund	\$ 37,333	\$ 46,779	\$ 9,446	\$37,333	\$46,779	\$ 9,446

David L. Hunter DATE 2/4/87
 DAVID L. HUNTER, BUDGET DIRECTOR
 Office of Budget and Program Planning

DATE _____
 PAT REGAN, PRIMARY SPONSOR
 Fiscal Note for SB251, as introduced.

SB 251