

HOUSE BILL 102

Introduced by Addy

1/09	Introduced
1/10	Referred to Human Services & Aging
1/13	Hearing
1/14	Committee Report--Bill Passed as Amended
1/17	2nd Reading Passed
1/19	3rd Reading Passed

Transmitted to Senate

1/20	Referred to Public Health, Welfare & Safety
3/08	Hearing
	Died in Committee

1 *Clause* BILL NO. *102*
2 INTRODUCED BY *[Signature]*
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE DEFINITION
5 OF "COMMUNITY COMPREHENSIVE MENTAL HEALTH CENTER";
6 PERMITTING A REGIONAL MENTAL HEALTH CORPORATION BOARD TO SET
7 A FEE SCHEDULE FOR MENTAL HEALTH SERVICES WITHOUT APPROVAL
8 OF THE DEPARTMENT OF INSTITUTIONS; AND AMENDING SECTIONS
9 53-21-201 AND 53-21-204, MCA."

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

12 **Section 1.** Section 53-21-201, MCA, is amended to read:

13 "53-21-201. Definitions. As used in this part, the
14 following definitions apply:

15 (1) "Public mental health facility" means any public
16 service or group of services offering mental health care on
17 an inpatient or outpatient basis to the mentally ill.

18 (2) "Community comprehensive mental health center"
19 means a facility, not necessarily encompassed within one
20 building, offering at least the following six basic mental
21 health services to the public:

- 22 (a) 24-hour inpatient care;
23 (b) part-time partial hospitalization;
24 (c) outpatient service;
25 (d) emergency service;

- 1 (e) consultation and education in mental health;
2 (f) precare and aftercare.
3 (3) "Mental health clinic" means an outpatient
4 facility offering mental health care to the public.
5 (4) "Department" means the department of
6 institutions."

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

8 "53-21-204. Mental health corporations. (1) Mental
9 health regions shall be established in the state mental
10 health plan and shall conform to the mental health regions
11 as established in the state mental health construction plan
12 promulgated by the board of health and environmental
13 sciences under the federal Community Mental Health Centers
14 Act.

15 (2) The mental health regions shall establish
16 themselves under Title 35, chapter 2. Upon incorporation, a
17 mental health region may enter into contracts with the
18 department in order to carry out the department's
19 comprehensive plan for mental health. These nonprofit
20 corporations shall not be considered agencies of the
21 department or the state of Montana; however, they may retain
22 and enter into retirement programs as established under
23 Title 19, chapter 3, The Public Employees' Retirement System
24 Act. Upon the establishment of the mental health regions,
25 the county commissioners in each of the participating

1 counties in the region, as defined in subsection (5), shall
 2 designate a person from their respective county to serve as
 3 a representative of the county on the regional mental health
 4 corporation board. The board shall be established under
 5 guidelines adopted by the bylaws of the corporation. All
 6 appointments to the board shall be for terms of 2 years, and
 7 the department shall be notified in writing of all
 8 appointments.

9 (3) The duties of an organized regional mental health
 10 corporation board include:

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

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

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

21 (d) receipt and administration of moneys and other
 22 support made available for the purposes of providing mental
 23 health services by the participating agencies, including
 24 grants from the United States government and other agencies,
 25 receipts for established fees for services rendered, tax

1 moneys, gifts, donations, and any other type of support or
 2 income. All funds received by the board in accordance with
 3 this part shall be used to carry out the purposes of this
 4 part.

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

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

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

14 (5) Prior to June 10 of each year, the board of mental
 15 health shall submit to the board of county commissioners of
 16 each of the counties within the constituted mental health
 17 region an annual budget, specifying each county's
 18 recommended proportionate share. If the board of county
 19 commissioners includes in the county budget the county's
 20 proportionate share of the regional board's budget, it shall
 21 be designated as a participating county. Funds for each
 22 participating county's proportionate share for the operation
 23 of mental health services within the region shall be derived
 24 from the county's general fund. If the general fund is
 25 insufficient to meet the approved budget, a levy not to

1 exceed 1 mill may be made on the taxable valuation of the
2 county in addition to all other taxes allowed by law to be
3 levied on such property.

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

9 NEW SECTION. **Section 3.** Extension of authority. Any
10 existing authority to make rules on the subject of the
11 provisions of [this act] is extended to the provisions of
12 [this act].

-End-

APPROVED BY COMM. ON
HUMAN SERVICES AND AGING

HOUSE BILL NO. 102

INTRODUCED BY ADDY

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE DEFINITION OF "COMMUNITY COMPREHENSIVE MENTAL HEALTH CENTER"; PERMITTING A REGIONAL MENTAL HEALTH CORPORATION BOARD TO SET A FEE SCHEDULE FOR MENTAL HEALTH SERVICES WITHOUT-APPROVAL OF IF THE DEPARTMENT OF INSTITUTIONS DOES NOT RESPOND WITHIN A CERTAIN PERIOD TO A REQUEST FOR A FEE CHANGE; AND AMENDING SECTIONS 53-21-201 AND 53-21-204, MCA."

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

Section 1. Section 53-21-201, MCA, is amended to read:

"53-21-201. Definitions. As used in this part, the following definitions apply:

(1) "Public mental health facility" means any public service or group of services offering mental health care on an inpatient or outpatient basis to the mentally ill.

(2) "Community comprehensive mental health center" means a facility, not necessarily encompassed within one building, offering at least the following six basic mental health services to the public:

- (a) 24-hour inpatient care;
- (b) part-time partial hospitalization;
- (c) outpatient service;

(d) emergency service;

(e) consultation and education in mental health;

(f) precare and aftercare.

(3) "Mental health clinic" means an outpatient facility offering mental health care to the public.

(4) "Department" means the department of institutions."

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

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

(2) The mental health regions shall establish themselves under Title 35, chapter 2. Upon incorporation, a mental health region may enter into contracts with the department in order to carry out the department's comprehensive plan for mental health. These nonprofit corporations shall not be considered agencies of the department or the state of Montana; however, they may retain and enter into retirement programs as established under Title 19, chapter 3, The Public Employees' Retirement System Act. Upon the establishment of the mental health regions,

1 the county commissioners in each of the participating
 2 counties in the region, as defined in subsection (5), shall
 3 designate a person from their respective county to serve as
 4 a representative of the county on the regional mental health
 5 corporation board. The board shall be established under
 6 guidelines adopted by the bylaws of the corporation. All
 7 appointments to the board shall be for terms of 2 years, and
 8 the department shall be notified in writing of all
 9 appointments.

10 (3) The duties of an organized regional mental health
 11 corporation board include:

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

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

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

22 (d) receipt and administration of moneys and other
 23 support made available for the purposes of providing mental
 24 health services by the participating agencies, including
 25 grants from the United States government and other agencies,

1 receipts for established fees for services rendered, tax
 2 moneys, gifts, donations, and any other type of support or
 3 income. All funds received by the board in accordance with
 4 this part shall be used to carry out the purposes of this
 5 part.

6 (e) supervision of appropriate administrative staff
 7 personnel of the operation of community mental health
 8 services within the region;

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

11 (4) Regional mental health board members shall be
 12 reimbursed from funds of the board for actual and necessary
 13 expenses incurred in attending meetings and in the discharge
 14 of board duties when assigned by the board.

15 (5) Prior to June 10 of each year, the board of mental
 16 health shall submit to the board of county commissioners of
 17 each of the counties within the constituted mental health
 18 region an annual budget, specifying each county's
 19 recommended proportionate share. If the board of county
 20 commissioners includes in the county budget the county's
 21 proportionate share of the regional board's budget, it shall
 22 be designated as a participating county. Funds for each
 23 participating county's proportionate share for the operation
 24 of mental health services within the region shall be derived
 25 from the county's general fund. If the general fund is

insufficient to meet the approved budget, a levy not to exceed 1 mill may be made on the taxable valuation of the county in addition to all other taxes allowed by law to be levied on such property.

(6) The regional board of mental health ~~with--the approval---of--the--department~~ WITH THE APPROVAL OF THE DEPARTMENT shall establish a schedule of fees for mental health services. IF THE DEPARTMENT DOES NOT ACT WITHIN 30 DAYS UPON A REQUEST FOR A CHANGE IN THE FEE SCHEDULE THAT HAS BEEN RECOMMENDED BY THE REGIONAL BOARD OF MENTAL HEALTH, THEN THE CHANGE BECOMES EFFECTIVE. The fees may be received by the board and used to implement the budget in accordance with 53-21-204(3)(d)."

NEW SECTION. **Section 3.** Extension of authority. Any existing authority to make rules on the subject of the provisions of [this act] is extended to the provisions of [this act].

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

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

(d) receipt and administration of moneys and other support made available for the purposes of providing mental health services by the participating agencies, including grants from the United States government and other agencies,

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

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

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

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