

HOUSE BILL NO. 632
INTRODUCED BY MOLNAR

IN THE HOUSE

FEBRUARY 15, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON APPROPRIATIONS.
	FIRST READING.
MARCH 10, 1993	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
MARCH 11, 1993	PRINTING REPORT.
MARCH 13, 1993	SECOND READING, DO PASS AS AMENDED.
MARCH 15, 1993	ENGROSSING REPORT.
MARCH 16, 1993	THIRD READING, PASSED. AYES, 99; NOES, 0.
MARCH 17, 1993	TRANSMITTED TO SENATE.

IN THE SENATE

MARCH 18, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON FINANCE & CLAIMS.
	FIRST READING.
MARCH 25, 1993	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
MARCH 27, 1993	SECOND READING, CONCURRED IN.
MARCH 29, 1993	THIRD READING, CONCURRED IN. AYES, 47; NOES, 0.
	RETURNED TO HOUSE.

IN THE HOUSE

MARCH 30, 1993	RECEIVED FROM SENATE.
	SENT TO ENROLLING.
	REPORTED CORRECTLY ENROLLED.

1 House BILL NO. 632
2 INTRODUCED BY Brad Molnar
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR THE
5 CONTROL OF OUT-OF-STATE PLACEMENTS OF CHILDREN WITH
6 MULTIAGENCY SERVICE NEEDS; ESTABLISHING A MULTIAGENCY
7 SERVICE PLACEMENT PLAN COMMITTEE; PROVIDING FOR THE DUTIES
8 OF THE COMMITTEE; REQUIRING A PLACEMENT PLAN BY THE
9 DEPARTMENT OF FAMILY SERVICES AND THE COMMITTEE; PROHIBITING
10 FUTURE OUT-OF-STATE PLACEMENTS EXCEPT UNDER CERTAIN
11 CIRCUMSTANCES; AND PROVIDING A METHOD FOR AWARDED
12 OUT-OF-STATE PLACEMENTS TO IN-STATE PROVIDERS."

13
14 STATEMENT OF INTENT

15 A statement of intent is necessary for this bill because
16 [section 8] requires the department of family services to
17 adopt rules. The legislature intends that the department
18 particularly adopt rules implementing [sections 6 and 7].
19 Rules implementing [section 6] should combine the review and
20 approval process required by this bill into the current
21 processes used by the department and the youth placement
22 committees. The rules adopted to implement [section 7]
23 should provide a process similar to the request for proposal
24 (RFP) process used previously by the department in placing
25 groups of children with providers.

1
2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

3 NEW SECTION. Section 1. Definitions. The following
4 definitions apply to [sections 1 through 8]:

5 (1) "Child with multiagency service needs" means a
6 youth in need of care, youth in need of supervision, or
7 delinquent youth, except a youth placed with an out-of-state
8 provider by order of the youth court, with treatment needs
9 that can be satisfied only by treatment in cooperation with
10 the department and local agencies.

11 (2) "Delinquent youth" means a delinquent youth as
12 defined in 41-5-103.

13 (3) "Local agency" means a school district, office of
14 youth court probation, or other office of local government
15 seeking placement of a child with multiagency service needs
16 with an out-of-state provider.

17 (4) "Provider" means a person or program that provides
18 treatment for the mental and emotional needs of a child with
19 multiagency service needs.

20 (5) "Youth in need of care" means a youth in need of
21 care as defined in 41-3-102.

22 (6) "Youth in need of supervision" means a youth in
23 need of supervision as defined in 41-5-103.

24 NEW SECTION. Section 2. State policy. The legislature
25 declares that it is the policy of this state:

(1) to the extent that funds are available, to provide for and encourage the development of a continuum of quality education, treatment, and residential services for the children of this state who are committed to the custody of the department;

(2) to serve those children who are committed to the custody of the department either in their homes or in the least restrictive setting that is most appropriate to their needs;

(3) to provide care for a child with multiagency service needs at state expense in a setting that is not more restrictive than is provided by the child's school, home, family foster care home, or youth group home unless it is determined through the process established in [sections 6 and 7] that the multiagency service needs of the child cannot be met except in a more restrictive setting; and

(4) to prevent unnecessary placement of children with multiagency service needs with out-of-state providers.

NEW SECTION. Section 3. Multiagency service placement plan committee -- membership -- administration. (1) There is a multiagency service placement plan committee.

(2) The committee is composed of the following members:

(a) an appointee of the director of the department;

(b) an appointee of the superintendent of public instruction;

(c) the administrator of the mental health division of the department of corrections and human services;

(d) the administrator of the health services division of the department of health and environmental sciences; and

(e) the administrator of the medicaid services division of the department of social and rehabilitation services.

(3) The committee is attached to the department for administrative purposes only as provided in 2-15-121.

(4) Except as provided in this section, the committee must be administered in accordance with 2-15-122.

NEW SECTION. Section 4. Committee duties. The committee established in [section 3] shall:

(1) assist the department in the development of the plan required by [section 5];

(2) develop policies for local agencies to access state funding for services for children with multiagency service needs who otherwise would have to be placed with out-of-state providers; and

(3) advise local agencies to ensure that the agencies comply with applicable statutes, administrative rules, and department policy in making any determination that a child with multiagency service needs cannot be served by an in-state provider.

NEW SECTION. Section 5. Multiagency service placement plan required. The department and the committee established

1 in [section 3] shall develop a written plan for limiting
2 placement of children with multiagency service needs with
3 out-of-state providers. The plan must include:

4 (1) an explanation of how the department and local
5 agencies will develop the range and quality of services
6 necessary for children with multiagency service needs in
7 order for those children to receive quality services from
8 in-state providers;

9 (2) changes needed in the classification, reimbursement
10 rates, or licensing status of out-of-state and in-state
11 providers;

12 (3) flexible funding strategies and resources for the
13 development of a broad range of services to assist in
14 returning children with multiagency service needs from
15 out-of-state providers and in limiting the necessity for
16 placement of other children with multiagency service needs
17 with out-of-state providers in the future;

18 (4) a description of those instances in which children
19 with multiagency service needs will continue to be placed
20 with out-of-state providers;

21 (5) the amount and source of money needed to implement
22 the plan; and

23 (6) other information necessary to implement the
24 purposes of [sections 1 through 8].

25 NEW SECTION. Section 6. Out-of-state placements

1 limited. (1) Until the plan required by [section 5] is
2 implemented, the department may approve the placement of a
3 child with multiagency service needs with an out-of-state
4 provider after October 1, 1993, only if:

5 (a) the provider is located closer to the child's home
6 than is an alternative in-state provider or an equally
7 appropriate, individualized in-state provider is not
8 available or cannot be developed for the child for up to
9 100% of the cost of an out-of-state provider for which
10 application is being made or would be made on behalf of the
11 child; and

12 (b) placement of:

13 (i) a youth in need of care with the out-of-state
14 provider has been recommended in accordance with 41-5-527
15 through 41-5-529 by the appropriate youth placement
16 committee, created pursuant to 41-5-525; or

17 (ii) a youth in need of supervision or a delinquent
18 youth does not conflict with an order or judgment of the
19 youth court.

20 (2) If a recommendation for the out-of-state placement
21 is received from the youth placement committee, the local
22 agency that applied for placement with an out-of-state
23 provider must have in place a plan developed by the youth
24 placement committee that contains a description of the type
25 and length of services necessary for the child upon the

child's return to the state and a description of future services considered necessary for the child.

(3) After the plan required by [section 5] is implemented, placement of a child with multiagency service needs with an out-of-state provider may be approved by the department only if the child is placed in accordance with the terms of the plan.

NEW SECTION. Section 7. Department to use requests for proposals from in-state providers. (1) The department shall:

(a) continuously group children with multiagency service needs placed with out-of-state providers into categories according to the type of treatment received by the children;

(b) notify in-state providers of the number of children in each category, the types of treatment being received by the children, and the cost to the state of the treatment provided; and

(c) request from in-state providers proposals for the care and treatment of those children placed with out-of-state providers.

(2) In-state providers wishing to be considered by the department as a source of services shall send to the department in a form and at a time determined by the department a written proposal for the services necessary for the child. The department shall determine whether to award

the placement of the child to an in-state provider responding with a written proposal or to continue the placement with the out-of-state provider. In making the determination, the department shall consider the geographic location of the current and proposed service in relation to the needs of the child. An existing or proposed service, whether in-state or out-of-state, closest to the geographic needs of the child must be given preference by the department in making a placement under this section. A decision by the department not to place a child with multiagency service needs with a particular provider is not subject to a contested case procedure.

NEW SECTION. Section 8. Rulemaking. The department shall adopt rules necessary to implement [sections 1 through 7]. The rules must be adopted in cooperation with the committee established in [section 3].

NEW SECTION. Section 9. Codification instruction. [Sections 1 through 8] are intended to be codified as an integral part of Title 52, chapter 2, and the provisions of Title 52, chapter 2, apply to [sections 1 through 8].

-End-

APPROVED BY COMMITTEE
ON APPROPRIATIONS

HOUSE BILL NO. 632
INTRODUCED BY MOLNAR

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR THE CONTROL OF OUT-OF-STATE PLACEMENTS OF CHILDREN WITH MULTIAGENCY SERVICE NEEDS; ESTABLISHING A MULTIAGENCY SERVICE PLACEMENT PLAN COMMITTEE; PROVIDING FOR THE DUTIES OF THE COMMITTEE; REQUIRING A PLACEMENT PLAN BY THE DEPARTMENT OF FAMILY SERVICES AND THE COMMITTEE; PROHIBITING FUTURE OUT-OF-STATE PLACEMENTS EXCEPT UNDER CERTAIN CIRCUMSTANCES; AND PROVIDING A METHOD FOR AWARDED OUT-OF-STATE PLACEMENTS TO IN-STATE PROVIDERS."

STATEMENT OF INTENT

A statement of intent is necessary for this bill because [section 8] requires the department of family services to adopt rules. The legislature intends that the department particularly adopt rules implementing [sections 6 and 7]. Rules implementing [section 6] should combine the review and approval process required by this bill into the current processes used by the department and the youth placement committees. The rules adopted to implement [section 7] should provide a process similar to the request for proposal (RFP) process used previously by the department in placing groups of children with providers. THE LEGISLATURE INTENDS

THAT IMPLEMENTATION OF THIS BILL NOT DUPLICATE SIMILAR INITIATIVES BY OTHER STATE AGENCIES.

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

NEW SECTION. Section 1. Definitions. The following definitions apply to [sections 1 through 8]:

(1) "Child with multiagency service needs" means a youth--in--need--of--care;--youth-in-need-of-supervision;--or delinquent-youth;--except-a-youth-placed-with-an-out-of-state provider-by-order-of-the-youth-court;--with--treatment--needs that--can-be-satisfied-only-by-treatment-in-cooperation-with the-department-and-local-agencies A CHILD UNDER 18 YEARS OF AGE WHO HAS A NEED FOR SERVICES THAT ARE AVAILABLE FROM MORE THAN ONE STATE AGENCY.

(2) ~~"Delinquent--youth"--means--a--delinquent--youth--as defined-in-41-5-103.~~

(2) "LEAST RESTRICTIVE SETTING" MEANS A SETTING IN WHICH A CHILD WITH MULTIAGENCY SERVICE NEEDS IS SERVED:

(A) WITHIN THE CHILD'S FAMILY OR COMMUNITY; OR
(B) OUTSIDE THE CHILD'S FAMILY OR COMMUNITY WHERE THE NEEDED SERVICES ARE NOT AVAILABLE WITHIN THE CHILD'S FAMILY OR COMMUNITY AND WHERE THE SETTING IS DETERMINED TO BE THE MOST APPROPRIATE ALTERNATIVE SETTING BASED ON:

(I) THE SAFETY OF THE CHILD AND OTHERS;

(II) ETHNIC AND CULTURAL NORMS;

(III) PRESERVATION OF THE FAMILY;

(IV) SERVICES NEEDED BY THE CHILD AND THE FAMILY;

(V) THE GEOGRAPHIC PROXIMITY TO THE CHILD'S FAMILY AND COMMUNITY.

(3) "Local agency" means ~~a school district, office of youth court probation, or other office of local government A~~ LOCAL INTERAGENCY STAFFING GROUP FORMED PURSUANT TO 52-2-203 OR PARENTS WHO ARE seeking placement of a child with multiagency service needs ~~with an out-of-state provider AND WHO IS SUFFERING FROM MENTAL, BEHAVIORAL, OR EMOTIONAL DISORDERS.~~

(4) "MANAGED CARE" MEANS CONTROL OF THE PROVISION OF SERVICES TO A DEFINED POPULATION THROUGH A PLANNED DELIVERY SYSTEM.

~~††~~(5) "Provider" means AN AGENCY OF STATE OR LOCAL GOVERNMENT, a person, or A program that provides AUTHORIZED TO PROVIDE treatment ~~for the mental and emotional needs of~~ OR SERVICES TO a child with multiagency service needs WHO IS SUFFERING FROM MENTAL, BEHAVIORAL, OR EMOTIONAL DISORDERS.

†5)--"Youth in need of care"--means a youth--in--need--of care--as--defined--in--41-3-102;

†6)--"Youth--in--need--of--supervision"--means a youth in need of supervision--as--defined--in--41-5-103;

(6) "REQUEST FOR PROPOSALS" HAS THE MEANING AS DEFINED IN 18-4-301.

(7) "SERVICES" HAS THE MEANING AS DEFINED IN 52-2-202.

NEW SECTION. Section 2. State policy. The legislature declares that it is the policy of this state:

(1) to the extent that funds are available AND USING A MANAGED CARE SYSTEM, to provide for and encourage the development of a continuum of quality education, treatment, and residential services for the children of this state who ~~are--committed--to--the--custody--of--the--department~~ WITH MULTIAGENCY SERVICE NEEDS;

(2) to serve those children ~~who are committed to the custody of the department~~ WITH MULTIAGENCY SERVICE NEEDS either in their homes or in the least restrictive setting that is most appropriate to their needs AS PROVIDED IN [SECTIONS 6 AND 7];

(3) to ~~provide--care--for--a--child~~ SERVE CHILDREN with multiagency service needs ~~at state expense in a setting that is not more restrictive than is provided by the child's school, home, family foster care home, or youth group home unless it is determined through the process established in {sections 6 and 7} that the multiagency service needs of the child cannot be met except in a more restrictive setting; and~~

~~†4)--to prevent unnecessary placement of children with multiagency service needs with~~ WITHIN THE STATE AND USE out-of-state providers AS A LAST RESORT.

NEW SECTION. Section 3. Multiagency service placement plan committee -- membership -- administration. (1) There is a multiagency service placement plan committee.

(2) The committee is composed of the following members:

(a) an appointee of the director of the department;

(b) an appointee of the superintendent of public instruction;

(c) ~~the-administrator-of-the-mental-health-division~~ AN APPOINTEE OF THE DIRECTOR of the department of corrections and human services;

(d) ~~the-administrator-of-the-health--services--division~~ AN APPOINTEE OF THE DIRECTOR of the department of health and environmental sciences; and

(e) ~~the-administrator-of-the-medicaid-services-division~~ AN APPOINTEE OF THE DIRECTOR of the department of social and rehabilitation services.

(3) The committee is attached to the department for administrative purposes only as provided in 2-15-121.

(4) Except as provided in this section, the committee must be administered in accordance with 2-15-122.

NEW SECTION. Section 4. Committee duties. The committee established in [section 3] shall:

(1) assist the department in the development of the plan required by [section 5];

(2) develop policies for AIMED AT ALLOWING local

agencies, THROUGH A MANAGED CARE SYSTEM, to access state funding for services for children with multiagency service needs who-otherwise-would-have-to-be-placed-with:

(A) THAT ARE CURRENTLY PROVIDED BY out-of-state providers; and

(B) WHO MAY HAVE A FUTURE NEED TO OBTAIN SERVICES PROVIDED BY OUT-OF-STATE PROVIDERS UNLESS IN-STATE SERVICES ARE DEVELOPED; AND

(3) advise local agencies to ensure that the agencies comply with applicable statutes, administrative rules, and department policy in making any determination that a child with multiagency service needs cannot be served by an in-state provider.

NEW SECTION. Section 5. Multiagency service placement plan required. The department and the committee established in [section 3] shall develop a written plan for limiting placement of children with multiagency service needs with out-of-state providers. The plan MUST ADHERE TO THE POLICY SET FORTH IN [SECTION 2] AND AS A MINIMUM must include:

(1) an explanation of how the ~~department--and--local agencies--will--develop--the~~ range and quality of services necessary WILL BE DEVELOPED for children with multiagency service needs in order for those children to receive quality services from in-state providers;

(2) changes needed in the RULES REGARDING

classification, reimbursement rates, or licensing status--of
out-of-state-and-in-state OF providers WHO MAY BE USED;

(3) flexible funding strategies and, POOLING OF
resources, AND STRATEGIES for the development AND PROVISION
of a broad range of services to assist in returning children
with multiagency service needs from out-of-state providers
and-in, limiting the necessity--for placement of other
children with multiagency service needs with out-of-state
providers in--the--future, AND MAINTAINING CHILDREN WITH
MULTIAGENCY SERVICE NEEDS WITHIN THE LEAST RESTRICTIVE STATE
SETTING;

(4) a description of those instances in which children
with multiagency service needs will MAY continue to be
placed with out-of-state providers;

(5) the amount and source of money needed to implement
the plan; and

(6) A CURRENT DESCRIPTION OF THE CHILDREN WITH
MULTIAGENCY SERVICE NEEDS THAT, AS A MINIMUM, INCLUDE
SERVICES:

(A) BEING RECEIVED AND THE COST OF THE SERVICES;

(B) NEEDED IN THE LEAST RESTRICTIVE SETTING AND AN
ESTIMATED COST OF THE SERVICES; AND

(6)(7) other information necessary to implement the
purposes of [sections 1 through 8].

NEW SECTION. Section 6. Out-of-state placements

limited. (1) Until the plan required by [section 5] is
implemented, the department may approve the placement of a
child with multiagency service needs with an out-of-state
provider after October 1, 1993, only if:

(a) the provider is located closer to the child's home
than is an alternative in-state provider or an equally
appropriate, individualized in-state provider--is SERVICES
ARE not available or cannot be developed for the child for
up to 100% of the cost of an out-of-state provider for which
application is being made or would be made on behalf of the
child; and

(b) placement of:

(i)--a--youth--in--need--of--care--with-the-out-of-state
provider-has-been-recommended-in--accordance--with--41-5-527
through---41-5-529---by---the--appropriate--youth--placement
committee--created-pursuant-to-41-5-525;--or

(ii)--a--youth-in-need--of--supervision--or--a--delinquent
youth--does--not--conflict--with-an-order-or-judgment-of-the
youth-court THE CHILD IS APPROVED BY THE LOCAL INTERAGENCY
STAFFING GROUP FORMED PURSUANT TO 52-2-203.

(2)--if--a--recommendation-for-the-out-of-state-placement
is-received-from-the-youth-placement--committee--the--local
agency--that--applied--for--placement--with--an-out-of-state
provider-must-have-in-place-a-plan-developed-by--the--youth
placement--committee-that--contains-a-description-of-the-type

and-length-of-services-necessary-for-the-child-upon-the
child's-return-to-the-state-and-a-description-of-future
services-considered-necessary-for-the-child.

{3}(2) After the plan required by [section 5] is
implemented, placement COMPLETED AND SUBMITTED TO THE
DEPARTMENT, THE DEPARTMENT SHALL ADOPT RULES IMPLEMENTING
THE PLAN. PLACEMENT of a child with multiagency service
needs with an out-of-state provider may be approved by the
department only if the child is placed in accordance with
the terms of RULES IMPLEMENTING the plan.

NEW SECTION. Section 7. Department to use requests for
proposals from in-state providers. (1) The department shall:

{a}--continuously--group--children--with--multiagency
service--needs--placed--with--out-of-state--providers--into
categories--according--to--the-type-of-treatment-received-by
the-children;

{b}--notify-in-state-providers-of-the-number-of-children
in-each-category, the-types-of-treatment-being--received--by
the--children,--and--the--cost-to-the-state-of-the-treatment
provided; and

{c}--request-from-in-state-providers-proposals--for--the
care--and--treatment--of--those--children--placed--with
out-of-state-providers USE THE REQUEST FOR PROPOSALS PROCESS
TO SOLICIT IN-STATE PROVIDERS. IF THERE IS NO APPROPRIATE
IN-STATE RESPONSE TO A REQUEST FOR PROPOSALS UNDER THIS

SECTION, ALTERNATIVE RESOURCES MAY BE SOUGHT.

(2) In-state providers wishing to be considered by the
department as a source of services shall send to the
department in a form and at a time determined by the
department a written proposal for the services necessary for
the child. The department shall determine whether to award
the placement of the child to an in-state provider
responding with a written proposal or to continue the
placement with the out-of-state provider. In making the
determination, the department shall consider the geographic
location of the current and proposed service in relation to
the needs of the child. An existing or proposed service,
whether in-state or out-of-state, closest to the geographic
needs of the child must be given preference by the
department in making a placement under this section. A
decision by the department not to place a child with
multiagency service needs with a particular provider is not
subject to a contested case procedure.

NEW SECTION. Section 8. Rulemaking. The department
shall adopt rules necessary to implement [sections 1 through
7]. The rules must be adopted in cooperation with the
committee established in [section 3].

NEW SECTION. Section 9. Codification instruction.
[Sections 1 through 8] are intended to be codified as an
integral part of Title 52, chapter 2, and the provisions of

1 Title 52, chapter 2, apply to [sections 1 through 8].

2 NEW SECTION. SECTION 10. SEVERABILITY. IF A PART OF
3 [THIS ACT] IS INVALID, ALL VALID PARTS THAT ARE SEVERABLE
4 FROM THE INVALID PART REMAIN IN EFFECT. IF A PART OF [THIS
5 ACT] IS INVALID IN ONE OR MORE OF ITS APPLICATIONS, THE PART
6 REMAINS IN EFFECT IN ALL VALID APPLICATIONS THAT ARE
7 SEVERABLE FROM THE INVALID APPLICATIONS.

-End-

HOUSE BILL NO. 632

INTRODUCED BY MOLNAR

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR THE CONTROL OF OUT-OF-STATE PLACEMENTS OF CHILDREN WITH MULTIAGENCY SERVICE NEEDS; ESTABLISHING A MULTIAGENCY SERVICE PLACEMENT PLAN COMMITTEE; PROVIDING FOR THE DUTIES OF THE COMMITTEE; REQUIRING A PLACEMENT PLAN BY THE DEPARTMENT OF FAMILY SERVICES AND THE COMMITTEE; PROHIBITING FUTURE OUT-OF-STATE PLACEMENTS EXCEPT UNDER CERTAIN CIRCUMSTANCES; AND PROVIDING A METHOD FOR AWARDDING OUT-OF-STATE PLACEMENTS TO IN-STATE PROVIDERS."

STATEMENT OF INTENT

A statement of intent is necessary for this bill because [section 8] requires the department of family services to adopt rules. The legislature intends that the department particularly adopt rules implementing [sections 6 and 7]. Rules implementing [section 6] should combine the review and approval process required by this bill into the current processes used by the department and the youth placement committees. The rules adopted to implement [section 7] should provide a process similar to the request for proposal (RFP) process used previously by the department in placing groups of children with providers. THE LEGISLATURE INTENDS

THAT IMPLEMENTATION OF THIS BILL NOT DUPLICATE SIMILAR INITIATIVES BY OTHER STATE AGENCIES.

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

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(1) "Child with multiagency service needs" means a youth--in--need--of--care;--youth-in-need-of-supervision;--or delinquent-youth;--except-a-youth-placed-with-an-out-of-state provider-by-order-of-the-youth-court;--with--treatment--needs that--can-be-satisfied-only-by-treatment-in-cooperation-with the-department-and-local-agencies A CHILD UNDER 18 YEARS OF AGE WHO HAS A NEED FOR SERVICES THAT ARE AVAILABLE FROM MORE THAN ONE STATE AGENCY.

(2) "Delinquent--youth"--means--a--delinquent--youth--as defined-in-41-5-103.

(2) "LEAST RESTRICTIVE SETTING" MEANS A SETTING IN WHICH A CHILD WITH MULTIAGENCY SERVICE NEEDS IS SERVED:

(A) WITHIN THE CHILD'S FAMILY OR COMMUNITY; OR

(B) OUTSIDE THE CHILD'S FAMILY OR COMMUNITY WHERE THE NEEDED SERVICES ARE NOT AVAILABLE WITHIN THE CHILD'S FAMILY OR COMMUNITY AND WHERE THE SETTING IS DETERMINED TO BE THE MOST APPROPRIATE ALTERNATIVE SETTING BASED ON:

(I) THE SAFETY OF THE CHILD AND OTHERS;

(II) ETHNIC AND CULTURAL NORMS;

(III) PRESERVATION OF THE FAMILY;

(IV) SERVICES NEEDED BY THE CHILD AND THE FAMILY;

(V) THE GEOGRAPHIC PROXIMITY TO THE CHILD'S FAMILY AND COMMUNITY IF PROXIMITY IS IMPORTANT TO THE CHILD'S TREATMENT OR DOES NOT ADVERSELY AFFECT THE CHILD'S TREATMENT.

(3) "Local agency" means a school district, office of youth court probation, or other office of local government A LOCAL INTERAGENCY STAFFING GROUP FORMED PURSUANT TO 52-2-203 OR PARENTS WHO ARE seeking placement of a child with multiagency service needs with an out-of-state provider AND WHO IS SUFFERING FROM MENTAL, BEHAVIORAL, OR EMOTIONAL DISORDERS.

(4) "MANAGED CARE" MEANS CONTROL OF THE PROVISION OF SERVICES TO A DEFINED POPULATION THROUGH A PLANNED DELIVERY SYSTEM.

(5) "Provider" means AN AGENCY OF STATE OR LOCAL GOVERNMENT, a person, or A program that provides AUTHORIZED TO PROVIDE treatment for the mental and emotional needs of OR SERVICES TO a child with multiagency service needs WHO IS SUFFERING FROM MENTAL, BEHAVIORAL, OR EMOTIONAL DISORDERS.

(5) "Youth in need of care" means a youth in need of care as defined in 41-3-102.

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IN 18-4-301.

(7) "SERVICES" HAS THE MEANING AS DEFINED IN 52-2-202.

NEW SECTION. Section 2. State policy. The legislature declares that it is the policy of this state:

(1) to the extent that funds are available AND USING A MANAGED CARE SYSTEM, to provide for and encourage the development of a continuum of quality education, treatment, and residential services for the children of this state who are committed to the custody of the department WITH MULTIAGENCY SERVICE NEEDS;

(2) to serve those children who are committed to the custody of the department WITH MULTIAGENCY SERVICE NEEDS either in their homes or in the least restrictive setting that is most appropriate to their needs AS PROVIDED IN [SECTIONS 6 AND 7];

(3) to provide care for a child SERVE CHILDREN with multiagency service needs at state expense in a setting that is not more restrictive than is provided by the child's school, home, family foster care home, or youth group home unless it is determined through the process established in {sections 6 and 7} that the multiagency service needs of the child cannot be met except in a more restrictive setting; and

(4) to prevent unnecessary placement of children with multiagency service needs with WITHIN THE STATE AND USE

out-of-state providers AS A LAST RESORT.

NEW SECTION. Section 3. Multiagency service placement plan committee -- membership -- administration. (1) There is a multiagency service placement plan committee.

(2) The committee is composed of the following members:

(a) an appointee of the director of the department;

(b) an appointee of the superintendent of public instruction;

(c) ~~the administrator of the mental health division~~ AN APPOINTEE OF THE DIRECTOR of the department of corrections and human services;

(d) ~~the administrator of the health services division~~ AN APPOINTEE OF THE DIRECTOR of the department of health and environmental sciences; and

(e) ~~the administrator of the medicaid services division~~ AN APPOINTEE OF THE DIRECTOR of the department of social and rehabilitation services.

(3) The committee is attached to the department for administrative purposes only as provided in 2-15-121.

(4) Except as provided in this section, the committee must be administered in accordance with 2-15-122.

NEW SECTION. Section 4. Committee duties. The committee established in [section 3] shall:

(1) assist the department in the development of the plan required by [section 5];

(2) develop policies for AIMED AT ALLOWING local agencies, THROUGH A MANAGED CARE SYSTEM, to access state funding for services for children with multiagency service needs ~~who otherwise would have to be placed with:~~

(A) THAT ARE CURRENTLY PROVIDED BY out-of-state providers; and

(B) WHO MAY HAVE A FUTURE NEED TO OBTAIN SERVICES PROVIDED BY OUT-OF-STATE PROVIDERS UNLESS IN-STATE SERVICES ARE DEVELOPED; AND

(3) advise local agencies to ensure that the agencies comply with applicable statutes, administrative rules, and department policy in making any determination that a child with multiagency service needs cannot be served by an in-state provider.

NEW SECTION. Section 5. Multiagency service placement plan required. The department and the committee established in [section 3] shall develop a written plan for limiting placement of children with multiagency service needs with out-of-state providers. The plan MUST ADHERE TO THE POLICY SET FORTH IN [SECTION 2] AND AS A MINIMUM must include:

(1) an explanation of how the ~~department--and--local agencies--will--develop--the~~ range and quality of services necessary WILL BE DEVELOPED for children with multiagency service needs in order for those children to receive quality services from in-state providers;

(2) changes needed in the RULES REGARDING
classification, reimbursement rates, or licensing status--of
out-of-state-and-in-state OF providers WHO MAY BE USED;

(3) flexible funding strategies and, POOLING OF
resources, AND STRATEGIES for the development AND PROVISION
of a broad range of services to assist in returning children
with multiagency service needs from out-of-state providers
and-in, limiting the necessity--for placement of other
children with multiagency service needs with out-of-state
providers in--the--future, AND MAINTAINING CHILDREN WITH
MULTIAGENCY SERVICE NEEDS WITHIN THE LEAST RESTRICTIVE STATE
SETTING;

(4) a description of those instances in which children
with multiagency service needs will MAY continue to be
placed with out-of-state providers;

(5) the amount and source of money needed to implement
the plan; and

(6) A CURRENT DESCRIPTION OF THE CHILDREN WITH
MULTIAGENCY SERVICE NEEDS THAT, AS A MINIMUM, INCLUDE
SERVICES:

(A) BEING RECEIVED AND THE COST OF THE SERVICES;

(B) NEEDED IN THE LEAST RESTRICTIVE SETTING AND AN
ESTIMATED COST OF THE SERVICES; AND

(7) other information necessary to implement the
purposes of [sections 1 through 8].

NEW SECTION. Section 6. Out-of-state placements

(1) Until the plan required by [section 5] is
implemented, the department may approve the placement of a
child with multiagency service needs with an out-of-state
provider after October 1, 1993, only if:

(a) the provider is located closer to the child's home
than is an alternative in-state provider or an equally
appropriate, individualized in-state provider--is SERVICES
ARE not available or cannot be developed for the child for
up to 100% of the cost of an out-of-state provider for which
application is being made or would be made on behalf of the
child; and

(b) placement of:

(i) ~~a youth in need of care with the out-of-state~~
~~provider has been recommended in accordance with 41-5-527~~
~~through 41-5-529 by the appropriate youth placement~~
~~committee, created pursuant to 41-5-525, or~~

(ii) ~~a youth in need of supervision or a delinquent~~
~~youth does not conflict with an order or judgment of the~~
~~youth court~~ THE CHILD IS APPROVED BY THE LOCAL INTERAGENCY
STAFFING GROUP FORMED PURSUANT TO 52-2-203.

(2) ~~if a recommendation for the out-of-state placement~~
~~is received from the youth placement committee, the local~~
~~agency that applied for placement with an out-of-state~~
~~provider must have in place a plan developed by the youth~~

1 placement--committee-that-contains-a-description-of-the-type
2 and-length-of-services-necessary--for--the--child--upon--the
3 child's--return--to--the--state--and-a-description-of-future
4 services-considered-necessary-for-the-child.

5 {3}(2) After the plan required by [section 5] is
6 implemented,--placement COMPLETED AND SUBMITTED TO THE
7 DEPARTMENT, THE DEPARTMENT SHALL ADOPT RULES IMPLEMENTING
8 THE PLAN. PLACEMENT of a child with multiagency service
9 needs with an out-of-state provider may be approved by the
10 department only if the child is placed in accordance with
11 the terms-of RULES IMPLEMENTING the plan.

12 NEW SECTION. Section 7. Department to use requests for
13 proposals from in-state providers. (1) The department shall:

14 {a}--continuously--group--children--with--multiagency
15 service--needs--placed--with--out-of-state--providers--into
16 categories--according--to--the-type-of-treatment-received-by
17 the-children;

18 {b}--notify-in-state-providers-of-the-number-of-children
19 in-each-category,--the-types-of-treatment-being--received--by
20 the--children,--and--the--cost-to-the-state-of-the-treatment
21 provided; and

22 {c}--request-from-in-state-providers-proposals--for--the
23 care---and---treatment---of---those---children--placed--with
24 out-of-state-providers;

25 (A) CONTINUOUSLY GROUP CHILDREN WITH MULTIAGENCY

1 SERVICE NEEDS PLACED WITH OUT-OF-STATE PROVIDERS INTO
2 CATEGORIES ACCORDING TO THE TYPE OF TREATMENT RECEIVED BY
3 THE CHILDREN;

4 (B) NOTIFY IN-STATE PROVIDERS OF THE NUMBER OF CHILDREN
5 IN EACH CATEGORY, THE TYPES OF TREATMENT BEING RECEIVED BY
6 THE CHILDREN, AND THE COST TO THE STATE OF THE TREATMENT
7 PROVIDED; AND

8 (C) USE THE REQUEST FOR PROPOSALS PROCESS TO SOLICIT
9 IN-STATE PROVIDERS. IF THERE IS NO APPROPRIATE IN-STATE
10 RESPONSE TO A REQUEST FOR PROPOSALS UNDER THIS SECTION,
11 ALTERNATIVE RESOURCES MAY BE SOUGHT.

12 (2) In-state-providers-wishing-to-be-considered-by--the
13 department--as--a--source--of--services--shall--send--to--the
14 department--in--a--form--and--at--a--time--determined--by--the
15 department--a--written--proposal--for--the--services--necessary--for
16 the--child,--The--department--shall--determine--whether--to--award
17 the--placement--of--the--child--to--an--in--state--provider
18 responding--with--a--written--proposal--or--to--continue--the
19 placement--with--the--out-of-state--provider,--in--making--the
20 determination,--the--department--shall--consider--the--geographic
21 location--of--the--current--and--proposed--service--in--relation--to
22 the--needs--of--the--child. An-existing-or-proposed-service,
23 whether--in--state--or--out-of-state,--closest--to--the--geographic
24 needs---of--the--child--must--be--given--preference--by--the
25 department--in--making--a--placement--under--this--section. A

1 decision by the department not to place a child with
2 multiagency service needs with a particular provider is not
3 subject to a contested case procedure.

4 NEW SECTION. Section 8. Rulemaking. The department
5 shall adopt rules necessary to implement [sections 1 through
6 7]. The rules must be adopted in cooperation with the
7 committee established in [section 3].

8 NEW SECTION. Section 9. Codification instruction.
9 [Sections 1 through 8] are intended to be codified as an
10 integral part of Title 52, chapter 2, and the provisions of
11 Title 52, chapter 2, apply to [sections 1 through 8].

12 NEW SECTION. SECTION 10. SEVERABILITY. IF A PART OF
13 [THIS ACT] IS INVALID, ALL VALID PARTS THAT ARE SEVERABLE
14 FROM THE INVALID PART REMAIN IN EFFECT. IF A PART OF [THIS
15 ACT] IS INVALID IN ONE OR MORE OF ITS APPLICATIONS, THE PART
16 REMAINS IN EFFECT IN ALL VALID APPLICATIONS THAT ARE
17 SEVERABLE FROM THE INVALID APPLICATIONS.

-End-

HOUSE BILL NO. 632
INTRODUCED BY MOLNAR

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR THE CONTROL OF OUT-OF-STATE PLACEMENTS OF CHILDREN WITH MULTIAGENCY SERVICE NEEDS; ESTABLISHING A MULTIAGENCY SERVICE PLACEMENT PLAN COMMITTEE; PROVIDING FOR THE DUTIES OF THE COMMITTEE; REQUIRING A PLACEMENT PLAN BY THE DEPARTMENT OF FAMILY SERVICES AND THE COMMITTEE; PROHIBITING FUTURE OUT-OF-STATE PLACEMENTS EXCEPT UNDER CERTAIN CIRCUMSTANCES; AND PROVIDING A METHOD FOR AWARDDING OUT-OF-STATE PLACEMENTS TO IN-STATE PROVIDERS."

STATEMENT OF INTENT

A statement of intent is necessary for this bill because [section 8] requires the department of family services to adopt rules. The legislature intends that the department particularly adopt rules implementing [sections 6 and 7]. Rules implementing [section 6] should combine the review and approval process required by this bill into the current processes used by the department and the youth placement committees. The rules adopted to implement [section 7] should provide a process similar to the request for proposal (RPP) process used previously by the department in placing groups of children with providers. THE LEGISLATURE INTENDS

THAT IMPLEMENTATION OF THIS BILL NOT DUPLICATE SIMILAR INITIATIVES BY OTHER STATE AGENCIES.

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

NEW SECTION. Section 1. Definitions. The following definitions apply to [sections 1 through 8]:

(1) "Child with multiagency service needs" means a youth--in--need--of--care; youth-in-need-of-supervision; or delinquent-youth; except-a-youth-placed-with-an-out-of-state provider-by-order-of-the-youth-court; with--treatment--needs that--can-be-satisfied-only-by-treatment-in-cooperation-with the-department-and-local-agencies A CHILD UNDER 18 YEARS OF AGE WHO HAS A NEED FOR SERVICES THAT ARE AVAILABLE FROM MORE THAN ONE STATE AGENCY.

(2) "~~Delinquent~~--youth"--means--a--delinquent--youth--as defined-in-41-5-103-

(2) "LEAST RESTRICTIVE SETTING" MEANS A SETTING IN WHICH A CHILD WITH MULTIAGENCY SERVICE NEEDS IS SERVED:

(A) WITHIN THE CHILD'S FAMILY OR COMMUNITY; OR
(B) OUTSIDE THE CHILD'S FAMILY OR COMMUNITY WHERE THE NEEDED SERVICES ARE NOT AVAILABLE WITHIN THE CHILD'S FAMILY OR COMMUNITY AND WHERE THE SETTING IS DETERMINED TO BE THE MOST APPROPRIATE ALTERNATIVE SETTING BASED ON:

(I) THE SAFETY OF THE CHILD AND OTHERS;
(II) ETHNIC AND CULTURAL NORMS;



(III) PRESERVATION OF THE FAMILY;

(IV) SERVICES NEEDED BY THE CHILD AND THE FAMILY;

(V) THE GEOGRAPHIC PROXIMITY TO THE CHILD'S FAMILY AND COMMUNITY IF PROXIMITY IS IMPORTANT TO THE CHILD'S TREATMENT OR DOES NOT ADVERSELY AFFECT THE CHILD'S TREATMENT.

(3) "Local agency" means a school district, office of youth court probation, or other office of local government A LOCAL INTERAGENCY STAFFING GROUP FORMED PURSUANT TO 52-2-203 OR PARENTS WHO ARE seeking placement of a child with multiagency service needs with an out-of-state provider AND WHO IS SUFFERING FROM MENTAL, BEHAVIORAL, OR EMOTIONAL DISORDERS.

(4) "MANAGED CARE" MEANS CONTROL OF THE PROVISION OF SERVICES TO A DEFINED POPULATION THROUGH A PLANNED DELIVERY SYSTEM.

{4}[5] "Provider" means AN AGENCY OF STATE OR LOCAL GOVERNMENT, a person, or A program that provides AUTHORIZED TO PROVIDE treatment for the mental and emotional needs of OR SERVICES TO a child with multiagency service needs WHO IS SUFFERING FROM MENTAL, BEHAVIORAL, OR EMOTIONAL DISORDERS.

{5}--"Youth in need of care" means a youth in need of care as defined in 41-3-102.

{6}--"Youth in need of supervision" means a youth in need of supervision as defined in 41-5-103.

(6) "REQUEST FOR PROPOSALS" HAS THE MEANING AS DEFINED

IN 18-4-301.

(7) "SERVICES" HAS THE MEANING AS DEFINED IN 52-2-202.

NEW SECTION. Section 2. State policy. The legislature declares that it is the policy of this state:

(1) to the extent that funds are available AND USING A MANAGED CARE SYSTEM, to provide for and encourage the development of a continuum of quality education, treatment, and residential services for the children of this state who are committed to the custody of the department WITH MULTIAGENCY SERVICE NEEDS;

(2) to serve those children who are committed to the custody of the department WITH MULTIAGENCY SERVICE NEEDS either in their homes or in the least restrictive setting that is most appropriate to their needs AS PROVIDED IN [SECTIONS 6 AND 7];

(3) to provide care for a child SERVE CHILDREN with multiagency service needs at state expense in a setting that is not more restrictive than is provided by the child's school, home, family foster care home, or youth group home unless it is determined through the process established in {sections 6 and 7} that the multiagency service needs of the child cannot be met except in a more restrictive setting; and

{4}--to prevent unnecessary placement of children with multiagency service needs with WITHIN THE STATE AND USE

out-of-state providers AS A LAST RESORT.

NEW SECTION. Section 3. Multiagency service placement plan committee -- membership -- administration. (1) There is a multiagency service placement plan committee.

(2) The committee is composed of the following members:

(a) an appointee of the director of the department;

(b) an appointee of the superintendent of public instruction;

(c) ~~the-administrator-of-the-mental-health-division~~ AN APPOINTEE OF THE DIRECTOR of the department of corrections and human services;

(d) ~~the-administrator-of-the-health--services--division~~ AN APPOINTEE OF THE DIRECTOR of the department of health and environmental sciences; and

(e) ~~the-administrator-of-the-medicaid-services-division~~ AN APPOINTEE OF THE DIRECTOR of the department of social and rehabilitation services.

(3) The committee is attached to the department for administrative purposes only as provided in 2-15-121.

(4) Except as provided in this section, the committee must be administered in accordance with 2-15-122.

NEW SECTION. Section 4. Committee duties. The committee established in [section 3] shall:

(1) assist the department in the development of the plan required by [section 5];

(2) develop policies for AIMED AT ALLOWING local agencies, THROUGH A MANAGED CARE SYSTEM, to access state funding for services for children with multiagency service needs ~~who-otherwise-would-have-to-be-placed-with:~~

(A) THAT ARE CURRENTLY PROVIDED BY out-of-state providers; and

(B) WHO MAY HAVE A FUTURE NEED TO OBTAIN SERVICES PROVIDED BY OUT-OF-STATE PROVIDERS UNLESS IN-STATE SERVICES ARE DEVELOPED; AND

(3) advise local agencies to ensure that the agencies comply with applicable statutes, administrative rules, and department policy in making any determination that a child with multiagency service needs cannot be served by an in-state provider.

NEW SECTION. Section 5. Multiagency service placement plan required. The department and the committee established in [section 3] shall develop a written plan for limiting placement of children with multiagency service needs with out-of-state providers. The plan MUST ADHERE TO THE POLICY SET FORTH IN [SECTION 2] AND AS A MINIMUM must include:

(1) an explanation of how the ~~department--and--local agencies--will--develop--the~~ range and quality of services necessary WILL BE DEVELOPED for children with multiagency service needs in order for those children to receive quality services from in-state providers;

1 (2) changes needed in the RULES REGARDING
 2 classification, reimbursement rates, or licensing status--of
 3 out-of-state-and-in-state OF providers WHO MAY BE USED;
 4 (3) flexible funding strategies and, POOLING OF
 5 resources, AND STRATEGIES for the development AND PROVISION
 6 of a broad range of services to assist in returning children
 7 with multiagency service needs from out-of-state providers
 8 and-in, limiting the necessity--for placement of other
 9 children with multiagency service needs with out-of-state
 10 providers in--the--future, AND MAINTAINING CHILDREN WITH
 11 MULTIAGENCY SERVICE NEEDS WITHIN THE LEAST RESTRICTIVE STATE
 12 SETTING;
 13 (4) a description of those instances in which children
 14 with multiagency service needs will MAY continue to be
 15 placed with out-of-state providers;
 16 (5) the amount and source of money needed to implement
 17 the plan; and
 18 (6) A CURRENT DESCRIPTION OF THE CHILDREN WITH
 19 MULTIAGENCY SERVICE NEEDS THAT, AS A MINIMUM, INCLUDE
 20 SERVICES:
 21 (A) BEING RECEIVED AND THE COST OF THE SERVICES;
 22 (B) NEEDED IN THE LEAST RESTRICTIVE SETTING AND AN
 23 ESTIMATED COST OF THE SERVICES; AND
 24 (6)(7) other information necessary to implement the
 25 purposes of [sections 1 through 8].

1 NEW SECTION. Section 6. Out-of-state placements
 2 limited. (1) Until the plan required by [section 5] is
 3 implemented, the department may approve the placement of a
 4 child with multiagency service needs with an out-of-state
 5 provider after October 1, 1993, only if:
 6 (a) the provider is located closer to the child's home
 7 than is an alternative in-state provider or an equally
 8 appropriate, individualized in-state provider--is SERVICES
 9 ARE not available or cannot be developed for the child for
 10 up to 100% of the cost of an out-of-state provider for which
 11 application is being made or would be made on behalf of the
 12 child; and
 13 (b) placement of:
 14 (i)--a--youth--in--need--of--care--with--the--out--of--state
 15 provider--has--been--recommended--in--accordance--with--41-5-527
 16 through--41-5-529--by--the--appropriate--youth--placement
 17 committee,--created--pursuant--to--41-5-525,--or
 18 (ii)--a--youth--in--need--of--supervision--or--a--delinquent
 19 youth--does--not--conflict--with--an--order--or--judgment--of--the
 20 youth-court THE CHILD IS APPROVED BY THE LOCAL INTERAGENCY
 21 STAFFING GROUP FORMED PURSUANT TO 52-2-203.
 22 (2)--if--a--recommendation--for--the--out--of--state--placement
 23 is--received--from--the--youth--placement--committee,--the--local
 24 agency--that--applied--for--placement--with--an--out--of--state
 25 provider--must--have--in--place--a--plan--developed--by--the--youth

1 placement--committee-that-contains-a-description-of-the-type
2 and-length-of-services-necessary--for--the--child--upon--the
3 child's--return--to--the--state--and-a-description-of-future
4 services-considered-necessary-for-the-child;

5 {3}(2) After the plan required by [section 5] is
6 implemented, placement COMPLETED AND SUBMITTED TO THE
7 DEPARTMENT, THE DEPARTMENT SHALL ADOPT RULES IMPLEMENTING
8 THE PLAN. PLACEMENT of a child with multiagency service
9 needs with an out-of-state provider may be approved by the
10 department only if the child is placed in accordance with
11 the terms of RULES IMPLEMENTING the plan.

12 NEW SECTION. Section 7. Department to use requests for
13 proposals from in-state providers. (1) The department shall:

14 {a}--continuously--group--children--with--multiagency
15 service--needs--placed--with--out-of-state--providers--into
16 categories--according--to--the-type-of-treatment-received-by
17 the-children;

18 {b}--notify-in-state-providers-of-the-number-of-children
19 in-each-category,--the-types-of-treatment-being--received--by
20 the--children,--and--the--cost-to-the-state-of-the-treatment
21 provided; and

22 {c}--request-from-in-state-providers-proposals--for--the
23 care---and---treatment---of---those---children--placed--with
24 out-of-state-providers;

25 (A) CONTINUOUSLY GROUP CHILDREN WITH MULTIAGENCY

1 SERVICE NEEDS PLACED WITH OUT-OF-STATE PROVIDERS INTO
2 CATEGORIES ACCORDING TO THE TYPE OF TREATMENT RECEIVED BY
3 THE CHILDREN;

4 (B) NOTIFY IN-STATE PROVIDERS OF THE NUMBER OF CHILDREN
5 IN EACH CATEGORY, THE TYPES OF TREATMENT BEING RECEIVED BY
6 THE CHILDREN, AND THE COST TO THE STATE OF THE TREATMENT
7 PROVIDED; AND

8 (C) USE THE REQUEST FOR PROPOSALS PROCESS TO SOLICIT
9 IN-STATE PROVIDERS. IF THERE IS NO APPROPRIATE IN-STATE
10 RESPONSE TO A REQUEST FOR PROPOSALS UNDER THIS SECTION,
11 ALTERNATIVE RESOURCES MAY BE SOUGHT.

12 (2) in-state-providers-wishing-to-be-considered-by--the
13 department--as--a--source--of--services--shall--send--to--the
14 department-in-a--form--and--at--a--time--determined--by--the
15 department-a-written-proposal-for-the-services-necessary-for
16 the--child;--The-department-shall-determine-whether-to-award
17 the--placement--of--the--child--to--an--in-state--provider
18 responding-with--a--written--proposal--or--to--continue-the
19 placement-with-the--out-of-state--provider;--In-making--the
20 determination,--the-department-shall-consider-the-geographic
21 location-of-the-current-and-proposed-service-in-relation--to
22 the--needs--of--the--child;--An-existing-or-proposed-service,
23 whether-in-state-or-out-of-state,--closest-to-the--geographic
24 needs---of--the--child--must--be--given--preference--by--the
25 department-in-making--a--placement--under--this--section; A

1 decision by the department not to place a child with
2 multiagency service needs with a particular provider is not
3 subject to a contested case procedure.

4 NEW SECTION. Section 8. Rulemaking. The department
5 shall adopt rules necessary to implement [sections 1 through
6 7]. The rules must be adopted in cooperation with the
7 committee established in [section 3].

8 NEW SECTION. Section 9. Codification instruction.
9 [Sections 1 through 8] are intended to be codified as an
10 integral part of Title 52, chapter 2, and the provisions of
11 Title 52, chapter 2, apply to [sections 1 through 8].

12 NEW SECTION. SECTION 10. SEVERABILITY. IF A PART OF
13 [THIS ACT] IS INVALID, ALL VALID PARTS THAT ARE SEVERABLE
14 FROM THE INVALID PART REMAIN IN EFFECT. IF A PART OF [THIS
15 ACT] IS INVALID IN ONE OR MORE OF ITS APPLICATIONS, THE PART
16 REMAINS IN EFFECT IN ALL VALID APPLICATIONS THAT ARE
17 SEVERABLE FROM THE INVALID APPLICATIONS.

-End-