HOUSE BILL NO. 632

INTRODUCED BY MOLNAR

IN THE HOUSE

	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.

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1 House BILL NO. 632
2 INTRODUCED BY Brod Molney

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

Montana Legislative Council

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

3 <u>NEW SECTION.</u> **Section 1.** Definitions. The following 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.
 - (3) "Local agency" means a school district, office of youth court probation, or other office of local government seeking placement of a child with multiagency service needs 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 need of supervision as defined in 41-5-103.
- NEW SECTION. Section 2. State policy. The legislature declares that it is the policy of this state:

LC 1451/01

(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;

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- (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;

1 (c) the administrator of the mental health division of 2 the department of corrections and human services;

LC 1451/01

- (d) the administrator of the health services division
 of the department of health and environmental sciences; and
- (e) the administrator of the medicaid services divisionof the department of social and rehabilitation services.
- 7 (3) The committee is attached to the department for 8 administrative purposes only as provided in 2-15-121.
- 9 (4) Except as provided in this section, the committee 10 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];
- 15 (2) develop policies for local agencies to access state
 16 funding for services for children with multiagency service
 17 needs who otherwise would have to be placed with
 18 out-of-state providers; and
- 19 (3) advise local agencies to ensure that the agencies
 20 comply with applicable statutes, administrative rules, and
 21 department policy in making any determination that a child
 22 with multiagency service needs cannot be served by an
 23 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 1 2 placement of children with multiagency service needs with out-of-state providers. The plan must include: 3
- (1) an explanation of how the department and local 4 agencies will develop the range and quality of services 5 necessary for children with multiagency service needs in б order for those children to receive quality services from 7 in-state providers: R
- (2) changes needed in the classification, reimbursement 9 10 rates, or licensing status of out-of-state and in-state providers; 11

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- (3) flexible funding strategies and resources for the development 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;
- (4) a description of those instances in which children 18 with multiagency service needs will continue to be placed 19 20 with out-of-state providers;
- (5) the amount and source of money needed to implement 21 22 the plan; and
- (6) other information necessary to implement the 23 purposes of [sections 1 through 8]. 24
- NEW SECTION. Section 6. Out-of-state placements 25

- limited. (1) Until the plan required by [section 5] is
- implemented, the department may approve the placement of a 2
 - child with multiagency service needs with an out-of-state
- provider after October 1, 1993, only if: 4
- 5 (a) the provider is located closer to the child's home
- than is an alternative in-state provider or an equally 6
- appropriate, individualized in-state provider is not 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

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- (b) placement of:
- 13 (i) a youth in need of care with the out-of-state
- provider has been recommended in accordance with 41-5-527 14
- through 41-5-529 by the appropriate youth placement 15
- committee, created pursuant to 41-5-525; or 16
- 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
- is received from the youth placement committee, the local 21
- agency that applied for placement with an out-of-state 22
- provider must have in place a plan developed by the youth 23
- placement committee that contains a description of the type 24
- and length of services necessary for the child upon the 25

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

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- (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
- 18 (c) request from in-state providers proposals for the 19 care and treatment of those children placed with 20 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

- 1 the placement of the child to an in-state provider
- 2 responding with a written proposal or to continue the
- 3 placement with the out-of-state provider. In making the
- 4 determination, the department shall consider the geographic
- 5 location of the current and proposed service in relation to
- 6 the needs of the child. An existing or proposed service,
- 7 whether in-state or out-of-state, closest to the geographic
- 8 needs of the child must be given preference by the
- 9 department in making a placement under this section. A
- 10 decision by the department not to place a child with
- 11 multiagency service needs with a particular provider is not
- 12 subject to a contested case procedure.
- 13 <u>NEW SECTION.</u> Section 8. Rulemaking. The department
- shall adopt rules necessary to implement (sections 1 through
- 15 7]. The rules must be adopted in cooperation with the
- 16 committee established in [section 3].
- 17 NEW SECTION. Section 9. Codification instruction.
- 18 [Sections 1 through 8] are intended to be codified as an
- 19 integral part of Title 52, chapter 2, and the provisions of
- 20 Title 52, chapter 2, apply to [sections 1 through 8].

-End-

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APPROVED BY COMMITTEE ON APPROPRIATIONS

2	INTRODUCED BY MOLNAR
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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 AWARDING
12	OUT-OF-STATE PLACEMENTS TO IN-STATE PROVIDERS."
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HOUSE BILL NO. 632

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



1	THAT	IMPLEMENTATION	OF	THIS	BILL	NOT	DUPLICATE	SIMILAR

2 INITIATIVES BY OTHER STATE AGENCIES.

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

NEW SECTION. Section 1. Definitions. The 5 following 6 definitions apply to [sections 1 through 8]:

- 7 (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 10 provider-by-order-of-the-youth-courty-with--treatment--needs 11 that--cam-be-satisfied-only-by-treatment-in-cooperation-with 12 the-department-and-local-agencies A CHILD UNDER 18 YEARS OF
- 13 AGE WHO HAS A NEED FOR SERVICES THAT ARE AVAILABLE FROM MORE
- 14 THAN ONE STATE AGENCY.

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- 15 (2)-- "Delinquent--youth"--means--a--delinquent--youth-as 16 defined-in-41-5-103-
- 17 (2) "LEAST RESTRICTIVE SETTING" MEANS A SETTING IN 18 WHICH A CHILD WITH MULTIAGENCY SERVICE NEEDS IS SERVED:
 - (A) WITHIN THE CHILD'S FAMILY OR COMMUNITY: OR
- 20 (B) OUTSIDE THE CHILD'S FAMILY OR COMMUNITY WHERE THE
- 21 NEEDED SERVICES ARE NOT AVAILABLE WITHIN THE CHILD'S FAMILY
- 22 OR COMMUNITY AND WHERE THE SETTING IS DETERMINED TO BE THE
- 23 MOST APPROPRIATE ALTERNATIVE SETTING BASED ON:
- 24 (I) THE SAFETY OF THE CHILD AND OTHERS;
- 25 (II) ETHNIC AND CULTURAL NORMS;

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- (IV) SERVICES NEEDED BY THE CHILD AND THE FAMILY;
- (V) THE GEOGRAPHIC PROXIMITY TO THE CHILD'S FAMILY AND COMMUNITY.
- 5 (3) "Local agency" means a-school-districty-office-of
 6 youth-court-probation,-or-other-office-of-local-government A
 7 LOCAL INTERAGENCY STAFFING GROUP FORMED PURSUANT TO 52-2-203
 8 OR PARENTS WHO ARE seeking placement of a child with
 9 multiagency service needs with-an-out-of-state-provider AND
 10 WHO IS SUFFERING FROM MENTAL, BEHAVIORAL, OR EMOTIONAL
 11 DISORDERS.
- 12 (4) "MANAGED CARE" MEANS CONTROL OF THE PROVISION OF

 13 SERVICES TO A DEFINED POPULATION THROUGH A PLANNED DELIVERY

 14 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.
- 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 (6) "REQUEST FOR PROPOSALS" HAS THE MEANING AS DEFINED
 25 IN 18-4-301.

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†	(7) "SERVICES	" HAS THE	MEANING	AS DEFIN	ED IN 52-2-202.
2	NEW SECTION.	Section 2.	State	policy.	The legislature
3	declares that it i	s the poli	cy of th	his 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 schooly—homey—family—foster—care—homey—or—youth—group—home unless—it—is—determined—through—the—process—established—in faections—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.

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1	NEW SECTION. Section 3. Multiagency se	rvice	placeme	ent
2	plan committee membership administrati	on. (1) There	is
3	a multiagency service placement plan committ	ee.		

- (2) The committee is composed of the following members:
- (a) an appointee of the director of the department;
- 6 (b) an appointee of the superintendent of public7 instruction;

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- (c) the-administrator-of-the-mental-health-division AN

 APPOINTEE OF THE DIRECTOR of the department of corrections and human services;
- 11 (d) the-administrator-of-the-health--services--division
 12 AN APPOINTEE OF THE DIRECTOR of the department of health and
 13 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.
- 19 (4) Except as provided in this section, the committee 20 must be administered in accordance with 2-15-122.
- 21 <u>NEW SECTION.</u> **Section 4.** Committee duties. The 22 committee established in [section 3] shall:
- 23 (1) assist the department in the development of the 24 plan required by [section 5];
- 25 (2) develop policies for AIMED AT ALLOWING local

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

ARE DEVELOPED: AND

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- 4 (A) THAT ARE CURRENTLY PROVIDED BY out-of-state
 5 providers; and
- 6 (B) WHO MAY HAVE A FUTURE NEED TO OBTAIN SERVICES
 7 PROVIDED BY OUT-OF-STATE PROVIDERS UNLESS IN-STATE SERVICES
- 9 (3) advise local agencies to ensure that the agencies
 10 comply with applicable statutes, administrative rules, and
 11 department policy in making any determination that a child
 12 with multiagency service needs cannot be served by an
 13 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
- 20 (1) an explanation of how the department--and--local
 21 agencies--will--develop--the range and quality of services
 22 necessary WILL BE DEVELOPED for children with multiagency
 23 service needs in order for those children to receive quality
 24 services from in-state providers;

SET FORTH IN [SECTION 2] AND AS A MINIMUM must include:

25 (2) changes needed in the <u>RULES REGARDING</u>

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

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- (3) flexible funding strategies and, FOOLING 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
- 17 (6) A CURRENT DESCRIPTION OF THE CHILDREN WITH

 18 MULTIAGENCY SERVICE NEEDS THAT, AS A MINIMUM, INCLUDE

 19 SERVICES:
 - (A) BEING RECEIVED AND THE COST OF THE SERVICES;
- 21 (B) NEEDED IN THE LEAST RESTRICTIVE SETTING AND AN
 22 ESTIMATED COST OF THE SERVICES; AND
- 23 (6)(7) other information necessary to implement the 24 purposes of [sections 1 through 8].
- 25 NEW SECTION. Section 6. Out-of-state placements

-7-

- 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:
- 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 SERVICES
 8 ARE not available or cannot be developed for the child for
 9 up to 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
 - (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 committeey-created-pursuant-to-41-5-5257-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 THE CHILD IS APPROVED BY THE LOCAL INTERAGENCY
 20 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

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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-

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(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: fa)--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-categoryy-the-types-of-treatment-being--received--by the--childreny--and--the--cost-to-the-state-of-the-treatment provided;-and

fc}--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

-9-

SECTION, ALTERNATIVE RESOURCES MAY BE SOUGHT. 1

2 (2) In-state-providers-wishing-to-be-considered-by--the 3 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 11 location-of-the-current-and-proposed-service-in-relation--to 12 the--needs--of--the--child--An-existing-or-proposed-service; 13 whether-in-state-or-out-of-state;-closest-to-the--geographic 14 needs---of--the--child--must--be--given--preference--by--the department-in-making--a--placement--under--this--section: A 15 16 decision by the department not to place a child with 17 multiagency service needs with a particular provider is not 18 subject to a contested case procedure.

19 NEW SECTION. Section 8. Rulemaking. The department shall adopt rules necessary to implement [sections 1 through 20 21 7]. The rules must be adopted in cooperation with the 22 committee established in [section 3].

NEW SECTION. Section 9. Codification 23 instruction. 24 [Sections 1 through 8] are intended to be codified as an integral part of Title 52, chapter 2, and the provisions of 25

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- 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
- FROM THE INVALID PART REMAIN IN EFFECT. IF A PART OF [THIS
- 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-

ı	HOUSE BILL NO. 632
2	INTRODUCED BY MOLNAR

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

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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

Montana i	egislative Council
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1	THAT	IMPLEMENTATION	OF	THIS	BILL	NOT	DUPLICATE	SIMILAR

2 INITIATIVES BY OTHER STATE AGENCIES.

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

5 NEW SECTION. Section 1. Definitions. The following

6 definitions apply to {sections 1 through 8}:

7 (1) "Child with multiagency service needs" means a
8 youth--in-need-of--care;--youth-in-need-of-supervision;-or

9 delinquent-youth;-except-a-youth-placed-with-an-out-of-state

10 provider-by-order-of-the-youth-courty-with--treatment--needs

11 that--can-be-satisfied-only-by-treatment-in-cooperation-with

12 the-department-and-local-agencies A CHILD UNDER 18 YEARS OF

AGE WHO HAS A NEED FOR SERVICES THAT ARE AVAILABLE FROM MORE

14 THAN ONE STATE AGENCY.

15 (2)--"Belinquent--youth"--means--a--delinquent--youth-as

16 defined-in-41-5-103-

17 (2) "LEAST RESTRICTIVE SETTING" MEANS A SETTING IN

18 WHICH A CHILD WITH MULTIAGENCY SERVICE NEEDS IS SERVED:

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

20 (B) OUTSIDE THE CHILD'S FAMILY OR COMMUNITY WHERE THE

21 NEEDED SERVICES ARE NOT AVAILABLE WITHIN THE CHILD'S FAMILY

22 OR COMMUNITY AND WHERE THE SETTING IS DETERMINED TO BE THE

23 MOST APPROPRIATE ALTERNATIVE SETTING BASED ON:

24 (I) THE SAFETY OF THE CHILD AND OTHERS;

25 (II) ETHNIC AND CULTURAL NORMS;

•	(III) PRESERVATION OF THE PARILY;
2	(IV) SERVICES NEEDED BY THE CHILD AND THE FAMILY;
ı	(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 P
3	LOCAL INTERAGENCY STAFFING GROUP FORMED PURSUANT TO 52-2-203
9	OR PARENTS WHO ARE seeking placement of a child with
0	multiagency service needs with-an-out-of-state-provider AND
1	WHO IS SUFFERING FROM MENTAL, BEHAVIORAL, OR EMOTIONAL
2	DISORDERS.
3	(4) "MANAGED CARE" MEANS CONTROL OF THE PROVISION OF
4	SERVICES TO A DEFINED POPULATION THROUGH A PLANNED DELIVERY
5	SYSTEM.
6	(4)(5) "Provider" means AN AGENCY OF STATE OR LOCAL
7	GOVERNMENT, a person, or A program that-provides AUTHORIZE
В	TO PROVIDE treatment for the mental and emotional needs - or
9	OR SERVICES TO a child with multiagency service needs WHO I
0	SUFFERING FROM MENTAL, BEHAVIORAL, OR EMOTIONAL DISORDERS.
1	f5}=Youth-in-need-of-care=-means-a-youthinneedo
2	care-as-defined-in-41-3-102-
3	+6}=Youthinneedofsupervision=-means-a-youth-i
4	need-of-supervision-as-defined-in-41-5-103+
- -	(C) "DESCRIPES FOR PROPOSALS" HAS THE MEANING AS DEFINE

1	IN 18-4-301.
2	(7) "SERVICES" HAS THE MEANING AS DEFINED IN 52-2-202.
3	NEW SECTION. Section 2. State policy. The legislature
4 -	declares that it is the policy of this state:
5	(1) to the extent that funds are available AND USING A
6	MANAGED CARE SYSTEM, to provide for and encourage the
7	development of a continuum of quality education, treatment,
8	and residential services for the children of this state who
9	arecommittedtothecustodyofthedepartment WITH
10	MULTIAGENCY SERVICE NEEDS;
11	(2) to serve those children who-are-committed-to-the
12	custody-of-the-department WITH MULTIAGENCY SERVICE NEEDS
13	either in their homes or in the least restrictive setting
14	that is most appropriate to their needs AS PROVIDED IN
15	[SECTIONS 6 AND 7];
16	(3) to providecarefora-child SERVE CHILDREN with
17	multiagency service needs at-state-expense-in-a-setting-that
18	is-not-more-restrictive-thanisprovidedbythechild-s
19	school;home;family-foster-care-home; -or-youth-group-home
20	unless-it-is-determined-through-the-processestablishedin
21	{sections-6-and-7}-that-the-multiagency-service-needs-of-the
22	childcannotbemet-except-in-a-more-restrictive-setting;
23	and
24	(4)to-prevent-unnecessary-placement-ofchildrenwith
25	multiagency-serviceneedswith WITHIN THE STATE AND USE

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out-of-state	providers	AS	A	LAST	RESORT.

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- 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;
- 7 (b) an appointee of the superintendent of public 8 instruction;
- 9 (c) the-administrator-of-the-mental-health-division AN

 10 APPOINTEE OF THE DIRECTOR of the department of corrections

 11 and human services;
- 12 (d) the-administrator-of-the-health--services--division
 13 AN APPOINTEE OF THE DIRECTOR of the department of health and
 14 environmental sciences; and
- 16 (e) the-administrator-of-the-medicaid-services-division
 16 AN APPOINTEE OF THE DIRECTOR of the department of social and
 17 rehabilitation services.
 - (3) The committee is attached to the department for administrative purposes only as provided in 2-15-121.
- 20 (4) Except as provided in this section, the committee
 21 must be administered in accordance with 2-15-122.
- NEW SECTION. Section 4. Committee duties. The committee established in [section 3] shall:
- 24 (1) assist the department in the development of the 25 plan required by [section 5];

- 1 (2) develop policies for AIMED AT ALLOWING local
 2 agencies, THROUGH A MANAGED CARE SYSTEM, to access state
 3 funding for services for children with multiagency service
 4 needs who-otherwise-would-have-to-be-placed-with:
- 5 (A) THAT ARE CURRENTLY PROVIDED BY out-of-state
 6 providers; and
- 7 (B) WHO MAY HAVE A FUTURE NEED TO OBTAIN SERVICES
 8 PROVIDED BY OUT-OF-STATE PROVIDERS UNLESS IN-STATE SERVICES
 9 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:
- 21 (1) an explanation of how the department--and--tocat
 22 agencies--will--develop--the range and quality of services
 23 necessary WILL BE DEVELOPED for children with multiagency
 24 service needs in order for those children to receive quality
 25 services from in-state providers;

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

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- (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
- t6+(7) other information necessary to implement the 24 purposes of [sections 1 through 8]. 25

L	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:

- (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:

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- ti)--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
- 18 (ii)-a-youth-in-need--of--supervision--or--a--delinquent youth--does--not--conflict--with-an-order-or-judgment-of-the 20 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--committeey--the--local agency--that--applied--for--placement--with--an-out-of-state provider-must-have-in-place-a-plan-developed--by--the--youth

placementcommittee-that-contains-a-description-of-the-type
and-length-of-services-necessaryforthechilduponthe
child'sreturntothestateand-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)continuouslygroupchildrenwithmultiagency
serviceneedsplacedwithout-of-stateprovidersinto

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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

categories--according--to--the-type-of-treatment-received-by

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

(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;
- (B) NOTIFY IN-STATE PROVIDERS OF THE NUMBER OF CHILDREN

 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

- 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].
- 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].

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

-End-

SEVERABLE FROM THE INVALID APPLICATIONS.

1	HOUSE	BILL	NO.	632
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INTRODUCED BY MOLNAR

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

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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

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

3 4

- BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
- 5 NEW SECTION. Section 1. Definitions. The following definitions apply to [sections 1 through 8]:
- 7 (1) "Child with multiagency service needs" means a
 8 youth--in--need--of--care;--youth-in-need-of-supervision;-or
 9 delinquent-youth;-except-a-youth-placed-with-an-out-of-state
 10 provider-by-order-of-the-youth-court;-with--treatment--needs
- ${\tt 11} \qquad {\tt that--can-be-satisfied-only-by-treatment-in-cooperation-with}$
- 12 the-department-and-local-agencies A CHILD UNDER 18 YEARS OF
- 13 AGE WHO HAS A NEED FOR SERVICES THAT ARE AVAILABLE FROM MORE
- 14 THAN ONE STATE AGENCY.
- 15 (2)--*Belinquent--youth*--means--a--delinquent--youth-as
 16 defined-in-41-5-103;
- 17 (2) "LEAST RESTRICTIVE SETTING" MEANS A SETTING IN
 18 WHICH A CHILD WITH MULTIAGENCY SERVICE NEEDS IS SERVED:
- 19 (A) WITHIN THE CHILD'S FAMILY OR COMMUNITY; OR
- 20 (B) OUTSIDE THE CHILD'S FAMILY OR COMMUNITY WHERE THE
- 21 NEEDED SERVICES ARE NOT AVAILABLE WITHIN THE CHILD'S FAMILY
- 22 OR COMMUNITY AND WHERE THE SETTING IS DETERMINED TO BE THE
- 23 MOST APPROPRIATE ALTERNATIVE SETTING BASED ON:
- 24 (I) THE SAFETY OF THE CHILD AND OTHERS;
- 25 (II) ETHNIC AND CULTURAL NORMS;

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AND THE FAMILY;

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2	(IV)	SERVICES	NEEDED	BY	THE	CHILD

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ITIIN PRESERVATION OF THE PAMILY.

- 3 (V) THE GEOGRAPHIC PROXIMITY TO THE CHILD'S FAMILY AND 4 COMMUNITY IF PROXIMITY IS IMPORTANT TO THE CHILD'S TREATMENT 5 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 В 9 OR PARENTS WHO ARE seeking placement of a child with multiagency service needs with-an-out-of-state-provider AND 10 11 WHO IS SUFFERING FROM MENTAL, BEHAVIORAL, OR EMOTIONAL 12 DISORDERS.
- 13 (4) "MANAGED CARE" MEANS CONTROL OF THE PROVISION OF 14 SERVICES TO A DEFINED POPULATION THROUGH A PLANNED DELIVERY 15 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.
- 21 +5}---Youth-in-need-of-care-means-a-youth--in--need--of 22 care-as-defined-in-41-3-102-
- 23 +6}--#Youth--in--need--of--supervision#-means-a-youth-in 24 need-of-supervision-as-defined-in-41-5-103-
- 25 (6) "REQUEST FOR PROPOSALS" HAS THE MEANING AS DEFINED

-3-

1	IN	18-	4-3	10	1	

MULTIAGENCY SERVICE NEEDS:

- 2 (7) "SERVICES" HAS THE MEANING AS DEFINED IN 52-2-202.
- NEW SECTION. Section 2. State policy. The legislature 3 declares that it is the policy of this state:
- 5 (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
- 11 (2) to serve those children who-are-committed-to-the 12 custody-of-the-department WITH MULTIAGENCY SERVICE NEEDS 13 either in their homes or in the least restrictive setting 14 that is most appropriate to their needs AS PROVIDED IN 15 [SECTIONS 6 AND 7]:
- 16 (3) to provide--care--for--a-child SERVE CHILDREN with 17 multiagency service needs at-state-expense-in-a-setting-that 18 is-not-more-restrictive-than--is--provided--by--the--child-s schooly--homey--family-foster-care-homey-or-youth-group-home 19 20 unless-it-is-determined-through-the-process--established--in 21 facctions-6-and-7}-that-the-multiagency-service-needs-of-the 22 child--cannot--be--met-except-in-a-more-restrictive-setting; 23 and
- 24 †4)--to-prevent-unnecessary-placement-of--children--with 25 multiagency-service--needs--with WITHIN THE STATE AND USE

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- 2 <u>NEW SECTION.</u> **Section 3.** Multiagency service placement
 3 plan committee -- membership -- administration. (1) There is
 4 a multiagency service placement plan committee.
- 5 (2) The committee is composed of the following members:
 - (a) an appointee of the director of the department;
- 7 (b) an appointee of the superintendent of public 8 instruction:
- 9 (c) the-administrator-of-the-mental-health-division AN

 10 APPOINTEE OF THE DIRECTOR of the department of corrections

 11 and human services:
- 12 (d) the-administrator-of-the-health--services--division
 13 AN APPOINTEE OF THE DIRECTOR of the department of health and
 14 environmental sciences: and
 - (e) the-administrator-of-the-medicaid-services-division

 AN APPOINTEE OF THE DIRECTOR of the department of social and rehabilitation services.
- 18 (3) The committee is attached to the department for 19 administrative purposes only as provided in 2-15-121.
- 20 (4) Except as provided in this section, the committee 21 must be administered in accordance with 2-15-122.
- NEW SECTION. Section 4. Committee duties. The committee established in [section 3] shall:
- 24 (1) assist the department in the development of the 25 plan required by [section 5];

- 1 (2) develop policies for AIMED AT ALLOWING local
 2 agencies, THROUGH A MANAGED CARE SYSTEM, to access state
 3 funding for services for children with multiagency service
 4 needs who-otherwise-would-have-to-be-placed-with:
- 5 (A) THAT ARE CURRENTLY PROVIDED BY out-of-state 6 providers; and
- 7 (B) WHO MAY HAVE A FUTURE NEED TO OBTAIN SERVICES
 8 PROVIDED BY OUT-OF-STATE PROVIDERS UNLESS IN-STATE SERVICES
 9 ARE DEVELOPED; AND
- 10 (3) advise local agencies to ensure that the agencies
 11 comply with applicable statutes, administrative rules, and
 12 department policy in making any determination that a child
 13 with multiagency service needs cannot be served by an
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- 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;

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(2)	changes	needed	in	the	RULE	:s_	REGARDING
classifi	cation, re	i mb ur sem ent	rates	, or	licensi	ng	statusof
out-of-s	state-and-i	n-state OF	provid	ers j	YAM OH	BE	USED;

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- (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 18 MULTIAGENCY SERVICE NEEDS THAT, AS A MINIMUM, INCLUDE 19 SERVICES: 20
 - (A) BEING RECEIVED AND THE COST OF THE SERVICES;
- (B) NEEDED IN THE LEAST RESTRICTIVE SETTING AND AN 22 ESTIMATED COST OF THE SERVICES; AND 23
- +6+(7) other information necessary to implement the 24 purposes of [sections 1 through 8]. 25

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:

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- 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 committeey-created-pursuant-to-41-5-525;-or
- 18 tiit-a-vouth-in-need--of--supervision--or--a--delinguent vouth--does--not--conflict--with-an-order-or-judgment-of-the youth-court THE CHILD IS APPROVED BY THE LOCAL INTERAGENCY 20 21 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

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1	placementcommittee-that-contains-a-description-of-the-type
2	and-length-of-services-necessaryforthechilduponthe
3	child'sreturntothestateand-a-description-of-future
4	services-considered-necessary-for-the-child-
5	(3) (2) After the plan required by [section 5] is
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7	DEPARTMENT, THE DEPARTMENT SHALL ADOPT RULES IMPLEMENTING
8	THE PLAN. PLACEMENT of a child with multiagency service
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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)continuouslygroupchildrenwithmultiagency
15	serviceneedsplacedwithout-of-stateprovidersinto
16	categoriesaccordingtothe-type-of-treatment-received-by
17	the-children;
18	<pre>tb)notify-in-state-providers-of-the-number-of-children</pre>
19	in-each-categoryy-the-types-of-treatment-beingreceivedby
20	thechildrenyandthecost-to-the-state-of-the-treatment
21	provided;-and
22	(c)request-from-in-state-providers-proposalsforthe
23	careandtreatmentofthosechildrenplacedwith
24	out-of-state-providers:

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1	SERVICE	NEEDS	PLACE	WIT	H OUT	OF-STATE	PROVIDERS	OTHI
2	CATEGORIE:	S ACCOR	DING TO	THE	TYPE O	F TREATM	ENT RECEIVE	D BY
3	THE CHILD	REN;						

- (B) NOTIFY IN-STATE PROVIDERS OF THE NUMBER OF CHILDREN IN EACH CATEGORY, THE TYPES OF TREATMENT BEING RECEIVED BY 5 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, ALTERNATIVE RESOURCES MAY BE SOUGHT. 11
- 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 determinationy -- 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;-elosest-to-the--geographic needs---of--the--child--must--be--given--preference--by--the 24 25 department-in-making--a--placement--under--this--section: A

MULTIAGENCY

WITH

CHILDREN

-9-

(A) CONTINUOUSLY GROUP

- 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].
- 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

 [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-