

1 SENATE BILL NO. 40

2 INTRODUCED BY BENEDICT

3 BY REQUEST OF THE DEPARTMENT OF CORRECTIONS AND HUMAN SERVICES

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING PROVISIONS FOR THE ASSESSMENT, PLACEMENT,
6 CONFIRMATION, AND ADMISSION TO AN APPROVED PUBLIC TREATMENT FACILITY; AND AMENDING
7 SECTIONS 53-24-209 AND 53-24-301, MCA."8
9 STATEMENT OF INTENT10 A statement of intent is required for this bill in order to provide guidance concerning the adoption
11 of rules to establish policies and procedures governing assessment, patient placement, confirmation, and
12 admission to an approved public treatment facility. It is the intent of the legislature that the rules adopted
13 by the department of corrections and human services take into consideration the treatment resources,
14 programs, and facilities available for the treatment of chemically dependent persons.15
16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:17
18 **Section 1.** Section 53-24-209, MCA, is amended to read:19 "**53-24-209. Rules for acceptance for treatment.** The department shall adopt rules for acceptance
20 of persons into the treatment program, considering available treatment resources and facilities, for the
21 purpose of early and effective treatment of chemically dependent persons, intoxicated persons, and family
22 members. In adopting the rules, the department ~~shall~~ must be guided by the following standards:23 (1) If possible, a patient ~~shall~~ must be treated on a voluntary rather than an involuntary basis.24 (2) A patient ~~shall~~ must be initially assigned or transferred to outpatient treatment unless he is
25 found to require inpatient treatment.26 (3) ~~A person shall not be denied treatment solely because he has withdrawn from treatment against~~
27 ~~medical advice on a prior occasion or because he has relapsed after earlier treatment.~~28 (4) An individualized treatment plan ~~shall~~ must be prepared and maintained on a current basis for
29 each person.30 ~~(5)~~(4) Provision ~~shall~~ must be made for a continuum of coordinated treatment services so that a

1 person who leaves a facility or a form of treatment will have available and ~~utilize~~ use other appropriate
2 treatment."

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4 **Section 2.** Section 53-24-301, MCA, is amended to read:

5 **"53-24-301. ~~Voluntary treatment~~ Treatment of alcoholics the chemically dependent.** (1) ~~An~~
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7 for voluntary admission or court-referred admission to an approved public treatment facility shall obtain
8 confirmation from a certified chemical dependency counselor that the applicant is chemically dependent and
9 appropriate for inpatient, freestanding care as described in the administrative rules. The department shall
10 adopt rules to establish policies and procedures governing assessment, patient placement, confirmation,
11 and admission to an approved public treatment facility. If the proposed patient is a minor or an incompetent
12 person, ~~he~~ the proposed patient, a parent, legal guardian, or other legal representative may make the
13 application.

14 (2) Subject to rules adopted by the department, the administrator of an approved public treatment
15 facility may determine who ~~shall be~~ is admitted for treatment. If a person is refused admission to an
16 approved public treatment facility, the administrator, subject to departmental rules, shall refer the person
17 to ~~another~~ an approved ~~public~~ private treatment facility for treatment if possible and appropriate.

18 (3) If a patient receiving inpatient care leaves an approved public treatment facility, ~~he shall~~ the
19 patient must be encouraged to consent to appropriate outpatient or intermediate treatment. If it appears
20 to the administrator of the treatment facility that the patient is ~~an alcoholic who~~ chemically dependent and
21 requires help, the department shall arrange for assistance in obtaining supportive services and residential
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23 (4) If a patient leaves an approved public treatment facility, with or against the advice of the
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