

SENATE BILL NO. 120

INTRODUCED BY Certel

BY REQUEST OF THE DEPARTMENT OF CORRECTIONS AND HUMAN SERVICES

4  
5 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE NAME AND FUNCTION OF THE MONTANA  
6 CENTER FOR THE AGED; AND AMENDING SECTIONS 53-1-202, 53-1-402, 53-21-411, 53-21-412, AND  
7 53-21-413, MCA."

8  
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 53-1-202, MCA, is amended to read:

**"53-1-202. Department of corrections and human services.** (1) The following components are in the department of corrections and human services to carry out the purposes of the department:

14 (a) adult corrections services consisting of the following institutional components to incarcerate  
15 and rehabilitate felons pursuant to Title 46, chapter 18;

(i) Montana state prison;

(ii) the Montana women's correctional center; and

(iii) appropriate community-based programs for the placement, supervision, and rehabilitation of adult felons who meet the criteria developed by the department for placement:

(A) in prerelease centers;

(B) under intensive supervision;

(C) under parole or probation pursuant to Title 46, chapter 23, part 2; or

(D) in other appropriate programs;

24 (b) mental health services consisting of the following institutional components for care and  
25 treatment of the mentally ill pursuant to Title 53, chapter 21:

(i) Montana state hospital;

(ii) Montana mental health nursing care center for the aged; and

28 (iii) a community services component consisting of appropriate services for the care and treatment  
29 of the mentally ill pursuant to Title 53, chapter 21, part 2;

(c) chemical dependency services consisting of appropriate detoxification, Inpatient, Intensive

1 outpatient, outpatient, prevention, education, and other necessary chemical dependency services pursuant  
2 to Title 53, chapter 24;

3 (d) institutional and residential components of the developmental disabilities system for those  
4 developmentally disabled persons who require that care according to Title 53, chapter 20, consisting of:

5 (i) the Montana developmental center; and

6 (ii) Eastmont human services center; and

7 (e) veterans' nursing homes for the nursing home and domiciliary care of honorably discharged  
8 veterans as provided by law, consisting of:

9 (i) Montana veterans' home; and

10 (ii) eastern Montana veterans' home at Glendive.

11 (2) A state institution may not be moved, discontinued, or abandoned without prior consent of the  
12 legislature."

13

14 **Section 2.** Section 53-1-402, MCA, is amended to read:

15 **"53-1-402. Residents subject to per diem and ancillary charges.** (1) The department shall assess  
16 and collect per diem and ancillary charges for the care of residents in the following institutions:

17 (a) Montana state hospital;

18 (b) Montana developmental center;

19 (c) Montana veterans' home;

20 (d) eastern Montana veterans' home;

21 (e) Montana mental health nursing care center for the aged; and

22 (f) Eastmont human services center.

23 (2) This section does not apply to the eastern Montana veterans' home if the department contracts  
24 with a private vendor to operate the facility as provided for in 10-2-416."

25

26 **Section 3.** Section 53-21-411, MCA, is amended to read:

27 **"53-21-411. Location and function of Montana mental health nursing care center for the aged.**

28 (1) The institution located at Lewistown is the Montana mental health nursing care center for the aged.  
29 The primary function of the center is the care and treatment of persons 55 years of age or older with  
30 mental disorders who require nursing care. Priority must be given to patients referred from the Montana

1 state hospital.

2 (2) Appropriate admissions to the Montana mental health nursing care center for the aged are  
3 persons who are unable to maintain themselves in their homes or communities due to a mental disorder,  
4 as defined in 53-21-102, ~~associated with the aging process~~, but who do not require the intensity of  
5 treatment available at the Montana state hospital.

6 (3) Admissions to the center are voluntary or upon transfer from the Montana state hospital. The  
7 department of corrections and human services may adopt rules concerning specific admission criteria,  
8 treatment, and discharge procedures."

9

10 **Section 4.** Section 53-21-412, MCA, is amended to read:

11 "**53-21-412. Transfer of patients between Montana state hospital and Montana mental health**  
12 **nursing care center.** (1) ~~With the approval of the department of corrections and human services, Montana~~  
13 state hospital patients may be admitted transferred to the Montana mental health nursing care center upon  
14 voluntary application by the patient or the patient's guardian when they meet the center's admission criteria  
15 and no longer require active treatment of their mental disorders.

16 (2) A patient of the Montana mental health nursing care center who requires the intensity of  
17 treatment available at the Montana state hospital may be voluntarily admitted to the Montana state hospital  
18 pursuant to 53-21-111 or, involuntarily committed pursuant to 53-21-114 through 53-21-127, or, if subject  
19 to a current involuntary commitment, transferred to the Montana state hospital."

20

21 **Section 5.** Section 53-21-413, MCA, is amended to read:

22 "**53-21-413. Discharge of patients.** The superintendent of the Montana mental health nursing care  
23 center may authorize the discharge of a patient residing at the center according to rules adopted by the  
24 department of corrections and human services. ~~However, no patient may be detained at the center without~~  
25 ~~the consent of the patient or his guardian.~~"

26

27 **NEW SECTION. Section 6. Code commissioner instruction.** Wherever the term "Montana center  
28 for the aged" appears in material enacted by the 54th legislature, the code commissioner is instructed to  
29 change the term to the "Montana mental health nursing care center".

30 -END-

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6 CENTER FOR THE AGED; ~~AND PROVIDING FOR ADMISSION AND TRANSFER OF PATIENTS TO THE~~  
7 ~~CENTER; AMENDING SECTIONS 53-1-202, 53-1-402, 53-21-411, 53-21-412, AND 53-21-413, MCA; AND~~  
8 ~~REPEALING SECTION 53-21-412, MCA."~~

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

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12 **Section 1.** Section 53-1-202, MCA, is amended to read:  
13       **"53-1-202. Department of corrections and human services.** (1) The following components are in  
14 the department of corrections and human services to carry out the purposes of the department:  
15       (a) adult corrections services consisting of the following institutional components to incarcerate  
16 and rehabilitate felons pursuant to Title 46, chapter 18:  
17           (i) Montana state prison;  
18           (ii) the Montana women's correctional center; and  
19           (iii) appropriate community-based programs for the placement, supervision, and rehabilitation of  
20 adult felons who meet the criteria developed by the department for placement:  
21           (A) in prerelease centers;  
22           (B) under intensive supervision;  
23           (C) under parole or probation pursuant to Title 46, chapter 23, part 2; or  
24           (D) in other appropriate programs;  
25       (b) mental health services consisting of the following institutional components for care and  
26 treatment of the mentally ill pursuant to Title 53, chapter 21:  
27           (i) Montana state hospital;  
28           (ii) Montana mental health nursing care center for the aged; and  
29           (iii) a community services component consisting of appropriate services for the care and treatment  
30 of the mentally ill pursuant to Title 53, chapter 21, part 2;

4 (d) institutional and residential components of the developmental disabilities system for those  
5 developmentally disabled persons who require that care according to Title 53, chapter 20, consisting of:

6 (i) the Montana developmental center; and

7 (ii) Eastmont human services center; and

8 (e) veterans' nursing homes for the nursing home and domiciliary care of honorably discharged  
9 veterans as provided by law, consisting of:

10 (i) Montana veterans' home; and

11 (ii) eastern Montana veterans' home at Glendive.

12 (2) A state institution may not be moved, discontinued, or abandoned without prior consent of the  
13 legislature."

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15           **Section 2.** Section 53-1-402, MCA, is amended to read:

16       **"53-1-402. Residents subject to per diem and ancillary charges.** (1) The department shall assess  
17 and collect per diem and ancillary charges for the care of residents in the following institutions:

18 (a) Montana state hospital;

19 (b) Montana developmental center;

20 (c) Montana veterans' home;

21 (d) eastern Montana veterans' home;

22 (e) Montana mental health nursing care center for the aged; and

23 (f) Eastmont human services center.

24 (2) This section does not apply to the eastern Montana veterans' home if the department contracts  
25 with a private vendor to operate the facility as provided for in 10-2-416."

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27           **Section 3.** Section 53-21-411, MCA, is amended to read:

28 "53-21-411. Location and function of Montana mental health nursing care center for the aged.

29 (1) The institution located at Lewistown is the Montana mental health nursing care center for the aged.

30 The primary function of the center is the care and treatment of persons ~~55 years of age or older with~~



1       mental disorders who require nursing care. Priority must be given to patients referred from the Montana  
2       state hospital.

3       (2) Appropriate admissions to the Montana mental health nursing care center for the aged are  
4       persons who are unable to maintain themselves in their homes or communities due to a mental disorder,  
5       as defined in 53-21-102, associated with the aging process, but who do not require the intensity of  
6       treatment available at the Montana state hospital.

7       (3) Admissions to the center are voluntary or upon transfer from the Montana state hospital. The  
8       department of corrections and human services may adopt rules concerning specific admission criteria,  
9       treatment, and discharge procedures CONSISTENT WITH [SECTION 4] AND SUBSECTIONS (1) AND (2)  
10      OF THIS SECTION."

11  
12      Section 4. Section 53-21-412, MCA, is amended to read:  
13      "53-21-412. Transfer of patients between Montana state hospital and Montana mental health  
14      nursing care center. (1) With the approval of the department of corrections and human services, Montana  
15      state hospital patients may be admitted transferred to the Montana mental health nursing care center upon  
16      voluntary application by the patient or the patient's guardian when they meet the center's admission criteria  
17      and no longer require active treatment of their mental disorders.

18      (2) A patient of the Montana mental health nursing care center who requires the intensity of  
19      treatment available at the Montana state hospital may be voluntarily admitted to the Montana state hospital  
20      pursuant to 53-21-111 or, involuntarily committed pursuant to 53-21-114 through 53-21-127, or, if subject  
21      to a current involuntary commitment, transferred to the Montana state hospital."

22  
23      NEW SECTION. SECTION 4. ADMISSIONS TO MENTAL HEALTH NURSING CARE CENTER. (1)  
24      THE MONTANA MENTAL HEALTH NURSING CARE CENTER MAY ADMIT PATIENTS ON A VOLUNTARY  
25      BASIS ACCORDING TO ADMISSION CRITERIA AND PROCEDURES ESTABLISHED IN ADMINISTRATIVE  
26      RULES.

27      (2) A PATIENT INVOLUNTARILY COMMITTED TO THE MONTANA STATE HOSPITAL MAY BE  
28      TRANSFERRED BY THE DEPARTMENT OF CORRECTIONS AND HUMAN SERVICES TO THE MONTANA  
29      MENTAL HEALTH NURSING CARE CENTER IF THE PATIENT MEETS THE ADMISSION CRITERIA OF THE  
30      CENTER. THE DEPARTMENT SHALL NOTIFY THE PATIENT, THE PATIENT'S NEXT OF KIN, AND THE

1    MENTAL DISABILITIES BOARD OF VISITORS AT LEAST 15 DAYS BEFORE THE TRANSFER. IF A PERSON  
2    OR ENTITY NOTIFIED BY THE DEPARTMENT OBJECTS TO THE TRANSFER, THE PERSON OR ENTITY MAY  
3    PETITION THE DISTRICT COURT FOR A HEARING TO REVIEW WHETHER THE TRANSFER IS NECESSARY  
4    AND APPROPRIATE TO MEET THE NEEDS OF THE PATIENT. THE NOTICE REQUIRED BY THIS  
5    SUBSECTION MUST INCLUDE NOTIFICATION OF THE RIGHT TO PETITION THE DISTRICT COURT  
6    PURSUANT TO THIS SUBSECTION. SECTION 53-21-128 APPLIES TO EXTENSIONS OF INVOLUNTARY  
7    COMMITMENT OF PATIENTS TO THE CENTER.

8    (3) EXCEPT AS PROVIDED IN 53-21-413(2) AND SUBSECTION (2) OF THIS SECTION, PATIENTS  
9    INVOLUNTARILY TRANSFERRED TO THE CENTER HAVE THE RIGHTS PROVIDED IN THIS CHAPTER.

10    **Section 5.** Section 53-21-413, MCA, is amended to read:

11    "53-21-413. Discharge **AND TRANSFER** of patients. (1) The superintendent of the Montana  
12    mental health nursing care center may authorize the discharge of a patient residing at the center according  
13    to rules adopted by the department of corrections and human services. However, no patient may be  
14    detained at the center without the consent of the patient or his guardian. RULES ADOPTED BY THE  
15    DEPARTMENT GOVERNING DISCHARGE FROM THE CENTER MUST BE CONSISTENT WITH 53-21-111,  
16    53-21-181, AND 53-21-183.

17    (2) A PATIENT IN THE CENTER WHO REQUIRES THE INTENSITY OF TREATMENT AVAILABLE AT  
18    THE MONTANA STATE HOSPITAL MAY BE TRANSFERRED TO THE MONTANA STATE HOSPITAL IF THE  
19    PATIENT IS SUBJECT TO AN INVOLUNTARY COMMITMENT. THE DEPARTMENT SHALL NOTIFY THE  
20    PATIENT, THE PATIENT'S NEXT OF KIN, AND THE MENTAL DISABILITIES BOARD OF VISITORS AT LEAST  
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24    PATIENT. THE NOTICE REQUIRED BY THIS SUBSECTION MUST INCLUDE NOTIFICATION OF THE RIGHT  
25    TO PETITION THE DISTRICT COURT PURSUANT TO THIS SUBSECTION. NOTICE PURSUANT TO THIS  
26    SUBSECTION DOES NOT PRECLUDE TRANSFER PURSUANT TO 53-21-130."

27    **NEW SECTION.** **Section 6. Code commissioner instruction.** Wherever the term "Montana center

28    for the aged" appears in material enacted by the 54th legislature, the code commissioner is instructed to

1 change the term to the "Montana mental health nursing care center".

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3 NEW SECTION. SECTION 7. REPEALER. SECTION 53-21-412, MCA, IS REPEALED.

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5 NEW SECTION. SECTION 8. CODIFICATION INSTRUCTION. [SECTION 4] IS INTENDED TO BE  
6 CODIFIED AS AN INTEGRAL PART OF TITLE 53, CHAPTER 21, PART 4, AND THE PROVISIONS OF TITLE  
7 53, CHAPTER 21, PART 4, APPLY TO [SECTION 4].

8

-END-

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14      nursing care center. (1) With the approval of the department of corrections and human services, Montana  
15      state hospital patients may be admitted transferred to the Montana mental health nursing care center upon  
16      voluntary application by the patient or the patient's guardian when they meet the center's admission criteria  
17      and no longer require active treatment of their mental disorders.

18       (2) A patient of the Montana mental health nursing care center who requires the intensity of  
19      treatment available at the Montana state hospital may be voluntarily admitted to the Montana state hospital  
20      pursuant to 53-21-111 or, involuntarily committed pursuant to 53-21-114 through 53-21-127, or, if subject  
21      to a current involuntary commitment, transferred to the Montana state hospital."

22

23       NEW SECTION. SECTION 4. ADMISSIONS TO MENTAL HEALTH NURSING CARE CENTER. (1)  
24      THE MONTANA MENTAL HEALTH NURSING CARE CENTER MAY ADMIT PATIENTS ON A VOLUNTARY  
25      BASIS ACCORDING TO ADMISSION CRITERIA AND PROCEDURES ESTABLISHED IN ADMINISTRATIVE  
26      RULES.

27       (2) A PATIENT INVOLUNTARILY COMMITTED TO THE MONTANA STATE HOSPITAL MAY BE  
28      TRANSFERRED BY THE DEPARTMENT OF CORRECTIONS AND HUMAN SERVICES TO THE MONTANA  
29      MENTAL HEALTH NURSING CARE CENTER IF THE PATIENT MEETS THE ADMISSION CRITERIA OF THE  
30      CENTER. THE DEPARTMENT SHALL NOTIFY THE PATIENT, THE PATIENT'S NEXT OF KIN, AND THE

1       MENTAL DISABILITIES BOARD OF VISITORS AT LEAST 15 DAYS BEFORE THE TRANSFER. IF A PERSON  
2       OR ENTITY NOTIFIED BY THE DEPARTMENT OBJECTS TO THE TRANSFER, THE PERSON OR ENTITY MAY  
3       PETITION THE DISTRICT COURT FOR A HEARING TO REVIEW WHETHER THE TRANSFER IS NECESSARY  
4       AND APPROPRIATE TO MEET THE NEEDS OF THE PATIENT. THE NOTICE REQUIRED BY THIS  
5       SUBSECTION MUST INCLUDE NOTIFICATION OF THE RIGHT TO PETITION THE DISTRICT COURT  
6       PURSUANT TO THIS SUBSECTION. SECTION 53-21-128 APPLIES TO EXTENSIONS OF INVOLUNTARY  
7       COMMITMENT OF PATIENTS TO THE CENTER.

8       (3) EXCEPT AS PROVIDED IN 53-21-413(2) AND SUBSECTION (2) OF THIS SECTION, PATIENTS  
9       INVOLUNTARILY TRANSFERRED TO THE CENTER HAVE THE RIGHTS PROVIDED IN THIS CHAPTER.

10

11       Section 5. Section 53-21-413, MCA, is amended to read:

12       "53-21-413. Discharge **AND TRANSFER** of patients. (1) The superintendent of the Montana  
13       mental health nursing care center may authorize the discharge of a patient residing at the center according  
14       to rules adopted by the department of corrections and human services. However, no patient may be  
15       detained at the center without the consent of the patient or his guardian. RULES ADOPTED BY THE  
16       DEPARTMENT GOVERNING DISCHARGE FROM THE CENTER MUST BE CONSISTENT WITH 53-21-111,  
17       53-21-181, AND 53-21-183.

18       (2) A PATIENT IN THE CENTER WHO REQUIRES THE INTENSITY OF TREATMENT AVAILABLE AT  
19       THE MONTANA STATE HOSPITAL MAY BE TRANSFERRED TO THE MONTANA STATE HOSPITAL IF THE  
20       PATIENT IS SUBJECT TO AN INVOLUNTARY COMMITMENT. THE DEPARTMENT SHALL NOTIFY THE  
21       PATIENT, THE PATIENT'S NEXT OF KIN, AND THE MENTAL DISABILITIES BOARD OF VISITORS AT LEAST  
22       15 DAYS BEFORE THE TRANSFER. IF A PERSON OR ENTITY NOTIFIED BY THE DEPARTMENT OBJECTS  
23       TO THE TRANSFER, THE PERSON OR ENTITY MAY PETITION THE DISTRICT COURT FOR A HEARING TO  
24       REVIEW WHETHER THE TRANSFER IS NECESSARY AND APPROPRIATE TO MEET THE NEEDS OF THE  
25       PATIENT. THE NOTICE REQUIRED BY THIS SUBSECTION MUST INCLUDE NOTIFICATION OF THE RIGHT  
26       TO PETITION THE DISTRICT COURT PURSUANT TO THIS SUBSECTION. NOTICE PURSUANT TO THIS  
27       SUBSECTION DOES NOT PRECLUDE TRANSFER PURSUANT TO 53-21-130."

28

29       **NEW SECTION.** Section 6. Code commissioner instruction. Wherever the term "Montana center  
30       for the aged" appears in material enacted by the 54th legislature, the code commissioner is instructed to

1 change the term to the "Montana mental health nursing care center".

2

3 NEW SECTION. SECTION 7. REPEALER. SECTION 53-21-412, MCA, IS REPEALED.

4

5 NEW SECTION. SECTION 8. CODIFICATION INSTRUCTION. [SECTION 4] IS INTENDED TO BE  
6 CODIFIED AS AN INTEGRAL PART OF TITLE 53, CHAPTER 21, PART 4, AND THE PROVISIONS OF TITLE  
7 53, CHAPTER 21, PART 4, APPLY TO [SECTION 4].

8

-END-