

Unofficial Draft Copy

As of: August 23, 2006 (2:52pm)

LCCF10

**** Bill No. ****

Introduced By *****

By Request of the Children, Families, Health, and Human Services
Interim Committee

A Bill for an Act entitled: "An Act regulating whether and the manner in which an individual with a mental disorder may be restrained while being transported to or from a mental health facility at public expense; authorizing a county to provide transportation by either a sheriff or a contractor."

Be it enacted by the Legislature of the State of Montana:

NEW SECTION. **Section 1. Transportation of individual with mental disorder -- policy -- contracting -- restraint**

requirements -- rules of department. (1) It is the policy of the state that individuals suffering from a mental disorder are to be treated with dignity and respect. It is therefore also the policy of the state that an individual with a mental disorder is not to be restrained while being transported, at public expense, to or from a mental health facility.

(2) A county responsible for the cost of transporting an individual with a mental disorder to or from a mental health facility pursuant to 53-21-132 may provide transportation by a county sheriff or by contract with a public or private provider of transportation services, or by both a sheriff and contractor, as provided in this section. If transportation is provided by a

sheriff, the sheriff must be reimbursed as provided in 7-32-2144.

(3) A sheriff or a contractor may not routinely provide transportation authorized by subsection (2) of an individual with a mental disorder while that individual is restrained. A restraint may be used only if the restraint:

(a) prevents physical and psychological trauma to the individual being restrained;

(b) respects the privacy of the individual being restrained;

(c) represents the least restrictive means necessary for the safety of the individual being restrained;

(d) is applied only after the reason for the restraint is documented in writing by the sheriff or contractor controlling the transporting vehicle; and

(e) is made of material that is comfortable to the wearer..

(4) The department may by rule authorize another individual in addition to the sheriff or contractor controlling the transporting vehicle, to accompany the sheriff or contractor in the transporting vehicle if the other individual is certified in mental health crises intervention in accordance with rules adopted by the department.

NEW SECTION. **Section 2. {standard} Codification instruction.** [Section 1] is intended to be codified as an integral part of Title 53, chapter 21, part 1, and the provisions of Title 53, chapter 21, part 1, apply to [section 1].

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{Name : David S. Niss
Title : Staff Attorney
Agency: Legislative Services Division
Phone : (406) 444-3064
E-Mail: dniss@mt.gov}

