

EXHIBIT NO. 1DATE: 1-10-05BILL NO. SB 52

## Senate Bill 52

Bill Title: An act providing for prior authorization for emergency detention at Montana State Hospital; providing for the development of local plans to prevent inappropriate admissions to the state hospital; and amending sections 53-21-124 and 53-21-129, MCA.

[During SFY2004, 57% of the admissions to Montana State Hospital were emergency or court-ordered detentions. The average length of stay for an individual under detention is 3-5 days.]

## Requirements of the Bill:

- Professional person who has determined that an individual requires detention must consult with Montana State Hospital to verify that the individual meets criteria for detention at the state hospital and whether the state hospital is the least restrictive and most appropriate placement for treatment of the individual.
- The professional person must certify to law enforcement, the county attorney, and the court whether the conditions for detention at the state hospital have been met.
- If the criteria for admission have not been met, the state hospital shall work with the professional person to identify an appropriate placement for the individual to be detained. If no such alternative is available, the person may be transported to the state hospital for emergency detention.
- DPHH shall facilitate community-based efforts to develop plans for services and funding to divert emergency detentions from the state hospital whenever possible.
- The individual must be detained in the respondent's county of residence if possible, and cannot be ordered to the state hospital until after receipt and consideration of the certification of the professional person.
- Sets a timeline for the professional person to file a report with the court (on the next regular business day and the report must contain the certification)
- The Department shall adopt rules that specify the criteria for appropriate emergency detention based on the type, level, and duration of care this is provided at the state hospital. These rules must reflect the provisions in the Emergency Medical Treatment and Active labor Act (EMTALA).

## This bill does not:

- Prohibit access to Montana State Hospital when an individual is determined to be a danger to self or others in an emergency situation when an appropriate alternative placement is not available.
- Prohibit a court from ordering detention at the Montana State Hospital after review and consideration of the certification of the professional person.