

EXHIBIT NO. 8DATE: 4-1-5BILL NO. HB 336

**HOUSE BILL 336**  
**Representative Michael Lange**

The bill revises certain services to developmentally disabled Montanans who fall through the cracks in receiving services.

The first part of the bill addresses those individuals who are going to school and turn 18 before they graduate. Once they turn 18, they are no longer under the entitlement system for care in Montana. They end up getting on the waiting list for services in the State of Montana. A constituent in his area was denied care, even though she was severely disabled. People who work on those cases got together and suggested she go to another highschool across town, even though she had graduated from school. The cost for that was borne by the school - they received no funding. They did it to be helpful.

The number of individuals waiting for services has been estimated to be as high as 500 to 700, maybe more, maybe less. These are people getting nothing in terms of care. To take 15 people off the waiting list, Gov. Marks estimated it to cost \$660,000 in her budget. This would give the Department a new tool to utilize to provide care for disabled Montanans which they never had.

If you turn to page 3 of the bill, new section 2 - That section lists the comprehensive disability system we have in statute covered under the community care based service section of Title 53.

It lists a whole host of services that individuals with developmental disabilities can be given. Lines 23 & 23 say these listings are basically the components of a system of services including, but not limited to the following basic services with the intention of providing alternatives to institutionalization. In Montana, if they don't have money to appoint a program or a service to offer an individual, they get nothing, unless private individuals or someone comes up with creative ways to get help.

What we have done on page 4, line 10 is added the words, financial assistance. He said that is the single most important thing in this bill. This enables the department to provide services or some help to an individual other than necessarily a full blown program.

An example would be - If the individual lived in a small town, like Cut Bank, and there are no care programs available for that individual in that community. The parents are told by the Department is, either move to an area where there are programs and we will try to get you in one, or sorry, we have nothing. These families are faced with a dilemma and how they are going to care for this individual. What happens in the long-term prognosis for that individual's life when the parents are no longer around to take care of them. One parent was told, in Billings, by a Department staffer, you have two choices with your daughter. You can either figure out, yourself, how to get some help for her or you turn her over as a ward of the State. The cost to the department for turning her over as a ward of the state is substantially higher than giving the Department an option to get some short-term care in an amount they can afford into the family's hands. This is what the financial

**assistance does. It is not a mandate, it doesn't tell them they have to do anything and it doesn't preclude them or allow them to jump individuals on the waiting list here or there. It gives them flexibility.**

**He said Montana has been sued recently. Montana was sued over a travesty law suit. We all know the results. He said, unless we are very careful in the future and allow the department a tool to address this waiting list issue, even it is minimal, we will be subject to someone walking up and saying, "I qualify for services, under the very first purpose of Title 53, but I get nothing." He thinks that is a legal precedent. The bill proposes to do is begin the process of addressing care for those folks.**

**The next thing it does is on page 4 to statutorily appropriate \$143,000 in 2006 and \$143,000 in 07 to the Dep. of Health & Human Services to provide services to these individuals who graduate from high school. It basically gives an option where the money can either be paid to the school if the student is enrolled again, or be used for direct cash to an individual to purchase community based services. The bill doesn't say it but, community based services if you turn back to the little list up above. Those are the things qualified as community services. It helps the schools, the Department giving them flexibility, and it helps the parents of individuals faced with this dilemma of trying to find care.**

**PROPOSERS - None**

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**INFORMATIONAL WITNESS: Bob Runkle for questions matters pertaining to the bill as it affects public education.**