

SENATE BILL NO. 499

INTRODUCED BY KEENAN

A BILL FOR AN ACT ENTITLED: "AN ACT ~~GENERALLY REVISING THE LAWS PERTAINING TO THE PUBLIC MENTAL HEALTH SYSTEM; PROVIDING FOR CRISIS RESPONSE SERVICES BY THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES IN CONJUNCTION WITH COUNTIES; AMENDING SERVICE AREA AUTHORITY DEFINITIONS AND DUTIES; AMENDING SERVICE AREA AUTHORITY DEFINITIONS AND DUTIES;~~ AND AMENDING SECTIONS ~~53-21-102, AND 53-21-138~~ 53-21-1001, 53-21-1002, 53-21-1006, AND 53-21-1007, 53-21-139, 53-21-1001, 53-21-1002, 53-21-1006, 53-21-1007, AND 53-21-1010; MCA."

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

(Refer to Second Reading Copy Bill)

Strike everything after the enacting clause and insert:

NEW SECTION. Section 1. Purpose. The purpose of this part is to:

- (1) create service area authorities that collaborate with the department and local advisory councils to plan, implement, and evaluate regional public mental health care within the budget constraints for each service region;
- (2) promote consumer and family leadership within the public mental health system through service area authorities; and
- (3) foster a consumer-driven and family-driven system of public mental health care that advances:
 - (a) access to a continuum of mental health services; and
 - (b) individual choice of services and providers.

Section 2. Section 53-21-1001, MCA, is amended to read:

"53-21-1001. (Temporary) Definitions. As used in this part, the following definitions apply:

- (1) "Department" means the department of public health and human services as provided for in 2-15-2201.
- (2) "Service area authority" means an entity, as provided for in 53-21-1006, that has incorporated to contract with the department for the planning, oversight, and administration of mental health services within a

1 service area as defined by the department by rule. (Terminates June 30, 2005--sec. 20, Ch. 602, L. 2003.)

2 **53-21-1001. (Effective July 1, 2005) Definitions.** As used in this part, the following definitions apply:

3 (1) "Community mental health center" means a licensed mental health center that provides
4 comprehensive public mental health services in a multicounty region under contract with the department,
5 counties, or one or more service area authorities.

6 (2) "Department" means the department of public health and human services as provided for in
7 2-15-2201.

8 (3) "Licensed mental health center" means an entity licensed by the department of public health and
9 human services to provide mental health services and has the same meaning as mental health center as defined
10 in 50-5-101.

11 (4) "Service area" means a region of the state as defined by the department by rule within which mental
12 health services are administered.

13 (5) "Service area authority" means an entity, as provided for in 53-21-1006, that has incorporated to
14 ~~contract~~ collaborate with the department for the planning; and oversight; ~~and administration~~ of mental health
15 services within a service area."
16

17 **Section 3.** Section 53-21-1002, MCA, is amended to read:

18 **"53-21-1002. Duties of department.** The department:

19 (1) shall take cognizance of matters affecting the mental health of the citizens of the state;

20 (2) shall initiate mental health care and treatment, prevention, and research as can best be
21 accomplished by community-centered services. The department shall initiate and operate services in
22 cooperation with local agencies, service area authorities, mental health professionals, and other entities
23 providing services to persons with mental illness.

24 (3) shall specifically address:

25 (a) provider contracting;

26 (b) service planning;

27 (c) preadmission screening and discharge planning;

28 (d) quality management;

29 (e) utilization management and review;

30 (f) consumer and family education; and

- 1 (g) rights protection;
- 2 (4) shall collect and disseminate information relating to mental health;
- 3 (5) shall prepare and maintain a comprehensive plan to develop public mental health services in the
4 state and to establish service areas;
- 5 (6) must receive from agencies of the United States and other state agencies, persons or groups of
6 persons, associations, firms, or corporations grants of money, receipts from fees, gifts, supplies, materials, and
7 contributions for the development of mental health services within the state;
- 8 (7) shall establish qualified provider certification standards by rule, which may include requirements for
9 national accreditation for mental health programs that receive funds from the department;
- 10 (8) shall perform an annual review and evaluation of mental health needs and services within the state
11 by region and evaluate the performance of programs that receive funds from the department for compliance with
12 federal and state standards;
- 13 (9) shall coordinate state and community resources to ensure comprehensive delivery of services to
14 children with emotional disturbances, as provided in Title 52, chapter 2, part 3, and submit at least a biennial
15 report to the governor and the legislature concerning the activities and recommendations of the department and
16 service providers; and
- 17 (10) shall coordinate the establishment of service area authorities, as provided in 53-21-1006, to ~~assist~~
18 collaborate with the department in the ~~coordination and delivery~~ planning and oversight of mental health services
19 in a service area."

20

21 **Section 4.** Section 53-21-1006, MCA, is amended to read:

22 **"53-21-1006. Service area authorities -- leadership committees -- boards -- plans.** (1) In the
23 development of a service area authority, public meetings must be held in communities throughout a service area
24 as defined by the department by rule. The purpose of the meetings is to assist the department to establish a
25 stakeholder leadership committee. The meetings must be designed to solicit input from consumers of services
26 for persons with mental illness, advocates, family members of persons with mental illness, mental health
27 professionals, county commissioners, and other interested community members.

28 (2) The leadership committee within each service area must include but is not limited to a significant
29 portion of consumers of services for persons with mental illness, family members of persons with mental illness,
30 and a mental health services provider. The department shall provide assistance for the development of a

1 leadership committee. The department shall approve a leadership committee within each service area.

2 (3) The leadership committee within each service area shall establish a service area authority board
3 and create bylaws that describe the board's functions and method of appointment. The bylaws must be
4 submitted to the department for review. The majority of the members of the board must be consumers of mental
5 health services and family members of consumers.

6 (4) The service area authority board must be established under Title 35, chapter 2. ~~Upon incorporation,~~
7 ~~the board may enter into contracts with the department to carry out the comprehensive plan for mental health~~
8 ~~for that service area.~~ Nonprofit corporations incorporated for the purposes of this part may not be considered
9 agencies of the department or the state of Montana.

10 (5) A service area authority board:

11 (a) ~~shall define the operation and management~~ collaborate with the department for purposes of planning
12 and oversight of mental health services of the service area ~~mental health system~~, including:

13 (i) provider contracting;

14 (ii) quality and outcome management;

15 (iii) service planning;

16 (iv) utilization management and review;

17 (v) preadmission screening and discharge planning;

18 (vi) consumer advocacy and family education and rights protection;

19 (vii) infrastructure;

20 (viii) information ~~system~~ requirements; and

21 (ix) procurement processes;

22 (b) shall review and monitor crisis intervention programs established pursuant to 53-21-139;

23 ~~(b)(c)~~ shall submit a biennial review and evaluation of mental health service needs and services within
24 the service area;

25 ~~(c)(d)~~ shall keep all records of the board and make reports required by the department;

26 ~~(d) shall prepare and submit a plan and budget proposal to support mental health services for children~~
27 ~~and adults within the service area, including proposals within existing allocations and specifically outlining any~~
28 ~~new funding proposals, to the department and to each county in the service area;~~

29 (e) may enter into contracts with the department for purposes of planning and oversight of the service
30 area if the department certifies that the service area authority is capable of assuming the duty;

1 ~~(e)~~(f) may receive and shall administer funding available for the provision of mental health services,
 2 including grants from the United States government and other agencies, receipts for established fees rendered,
 3 taxes, gifts, donations, and other types of support or income. All funds received by the board must be used to
 4 carry out the purposes of this part.

5 ~~(f)~~(g) shall may reimburse board members for actual and necessary expenses incurred in attending
 6 meetings and in the discharge of board duties as assigned by the board; and

7 ~~(g)~~(h) shall either include a county commissioner or work closely with county commissioners in the
 8 service area.

9 ~~(6) The department shall review the plan and budget proposal provided for in subsection (5)(d) and~~
 10 ~~assess the readiness of the service area authority to assume each duty provided in subsection (5)(a). The~~
 11 ~~department shall certify that the service area authority is capable of assuming the duty before contracting with~~
 12 ~~the service area authority for that duty and may provide for a gradual assumption of the duties by a service area~~
 13 ~~authority within the department's 4-year transition plan, subject to approval of the federal waivers as provided~~
 14 ~~for in section 15, Chapter 602, Laws of 2003.~~

15 ~~(7)~~(6) A service area authority may not directly provide mental health services."

16

17 **Section 5.** Section 53-21-1007, MCA, is amended to read:

18 **"53-21-1007. Mental health services contracts.** (1) The department shall provide for public mental
 19 health services for the purposes of the prevention, diagnosis, and treatment of mental illness to the extent
 20 funded by the legislature.

21 (2) The department may administer the provision of services for prevention, diagnosis, and treatment
 22 of mental illness directly or indirectly:

23 ~~—(a) through contract with other agencies of government, private or public agencies, private professional~~
 24 ~~persons, hospitals, or licensed mental health centers; or~~

25 ~~—(b) through contract with service area authorities who may contract with or develop cooperative~~
 26 ~~arrangements with other agencies of government, private or public agencies, private professional persons,~~
 27 ~~hospitals, or licensed mental health centers for the provision of services.~~

28 (3) The department is directed to encourage and create incentives for the use of funding generated by
 29 local governments to provide mental health services to participate in federal cost-sharing programs.

30 (4) The department shall ~~make efforts to~~ promote the rights of persons with mental illness who are

1 eligible for services to have a choice among qualified providers of mental health services or support services
2 that are administered or funded by the department ~~or contracted with a service area authority by the department.~~

3 (5) The department ~~or a service area authority~~ shall develop contracts to be bid competitively under the
4 Montana Procurement Act for any service administered or funded by the department that will limit a client's
5 choice of a provider of that service in order to ensure accountability and that necessary services are delivered
6 in all areas of the state. ~~Except for the department's ability to contract solely with service area authorities, the~~
7 The exception for human services as provided in 18-4-123(18) does not apply."

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9 **NEW SECTION. Section 6. Codification instruction.** [Section 1] is intended to be codified as an
10 integral part of Title 53, chapter 21, part 10, and the provisions of Title 53, chapter 21, part 10, apply to [section
11 1].

12 - END -