

HOUSE BILL NO. 332

INTRODUCED BY N. SCHWADERER

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A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS REGARDING THE PAYMENT OF THE COSTS OF EXAMINING AND COMMITTING MENTALLY ILL PERSONS; INCLUDING AS A BILLABLE ENTITY THE COUNTY FILING THE COMMITMENT PETITION; SUPERSEDING THE UNFUNDED MANDATE LAWS; AND AMENDING SECTION 53-21-132, MCA."

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

Section 1. Section 53-21-132, MCA, is amended to read:

"53-21-132. Cost of examination and commitment. (1) The cost of psychiatric precommitment examination, detention, treatment, and taking a person who is suffering from a mental disorder and who requires commitment to a mental health facility must be paid pursuant to subsection (2)(a). The sheriff must be allowed the actual expenses incurred in taking a committed person to the facility, as provided by 7-32-2144.

(2) (a) The costs of precommitment psychiatric detention, precommitment psychiatric examination, and precommitment psychiatric treatment of the respondent and any cost associated with testimony during an involuntary commitment proceeding by a professional person acting pursuant to 53-21-123 must be billed to the following entities in the listed order of priority:

(i) the respondent, the parent or guardian of a respondent who is a minor, or the respondent's private insurance carrier, if any;

(ii) a public assistance program, such as medicaid, for a qualifying respondent; ~~or~~

(iii) the county that filed the petition for commitment in an amount not to exceed the amount paid for the service by a public assistance program; or

~~(iii)~~(iv) the county of residence of the respondent in an amount not to exceed the amount paid for the service by a public assistance program.

(b) The county that filed the petition for commitment or the county of residence is not required to pay costs of treatment and custody of the respondent after the respondent is committed pursuant to this part.

(c) Precommitment costs related to the use of two-way electronic audio-video communication in the county of commitment must be paid in the listed order of priority:



