

1 HOUSE BILL NO. 138

2 INTRODUCED BY E. HILL

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE DISCHARGE PLAN FOR A PATIENT ADMITTED
5 TO A MENTAL HEALTH FACILITY TO ADDRESS THE PATIENT'S HOUSING NEEDS UPON DISCHARGE;
6 PROHIBITING DISCHARGE TO A HOMELESS SITUATION; AND AMENDING SECTIONS 53-1-603, 53-21-180,
7 53-21-601, 53-21-1002, AND 53-21-1006, MCA."

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

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11 **Section 1.** Section 53-1-603, MCA, is amended to read:12 **"53-1-603. Powers and duties of department of public health and human services.** The department
13 of public health and human services shall:14 (1) adopt rules for the admission, custody, transfer, and release of persons in department programs
15 except as otherwise provided by law. However, rules adopted by the department may not amend or alter the
16 statutory powers and duties of the board of pardons and parole.17 (2) subject to the functions of the department of administration, lease or purchase lands for use by
18 institutions and classify those lands to determine those that may be most profitably used for agricultural purposes,
19 taking into consideration the needs of all institutions for the food products that can be grown or produced on the
20 lands and the relative value of agricultural programs in the treatment or rehabilitation of the persons confined in
21 the institutions;22 (3) use the staff and services of other state agencies and units of the Montana university system, within
23 their respective statutory functions, to carry out its functions under this title;24 (4) propose programs to the legislature to meet the projected long-range needs of institutions, including
25 programs and facilities for the diagnosis, treatment, care, and aftercare of persons placed in institutions; and

26 (5) encourage the establishment of programs at the local level;

27 (a) for the prevention and rehabilitation of disabilities as they relate to mental illness and chemical
28 dependency; and29 (b) to develop housing options for persons discharged from a mental health facility as defined in
30 53-21-102."

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2 **Section 2.** Section 53-21-180, MCA, is amended to read:

3 **"53-21-180. Discharge plan.** (1) Each patient admitted as an inpatient to a mental health facility must
4 have an individualized discharge plan developed within 10 days after admission. The discharge plan must be
5 updated as necessary. Each individualized discharge plan must contain:

6 ~~(1)~~(a) an anticipated discharge date;

7 ~~(2)~~(b) criteria for discharge;

8 ~~(3)~~(c) identification of the facility staff member responsible for discharge planning;

9 ~~(4)~~(d) identification of the community-based agency or individual who is assisting in arranging
10 postdischarge services, including housing;

11 ~~(5)~~(e) referrals for financial assistance needed by the patient upon discharge; and

12 ~~(6)~~(f) other information necessary to ensure an appropriate discharge and adequate postdischarge
13 services.

14 (2) A discharge plan may not allow for the discharge of a patient directly into a homeless shelter or to
15 a location that is outdoors or outside of a building.

16 (3) A discharge plan that provides for discharge into a temporary housing situation must include
17 information on the resources available to assist the patient in finding permanent housing."

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19 **Section 3.** Section 53-21-601, MCA, is amended to read:

20 **"53-21-601. Location and primary function of hospital.** (1) The facility providing mental health care
21 services at Warm Springs, Montana, is the Montana state hospital and as its primary function provides care and
22 treatment of mentally ill persons.

23 (2) (a) The Montana state hospital is a mental health facility, as defined in 53-21-102, of the department
24 of public health and human services for the care and treatment of mentally ill persons.

25 (b) The role of Montana state hospital is to provide intensive inpatient psychiatric services, including
26 those services necessary for transition to community care, as components in a comprehensive continuum of
27 publicly and privately provided programs that emphasize treatment in the least restrictive environment.

28 (c) The mission of Montana state hospital is to stabilize persons with severe mental illness and to return
29 them to the community as soon as possible if adequate community-based support services are available.

30 (3) The department shall adopt rules to manage the state hospital patient population in a manner that

1 will ensure emergency access to services, protect public and individual safety, provide active treatment,
 2 implement effective discharge planning that meets the requirements of 53-21-180, and ensure access to
 3 appropriate community-based services."

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5 **Section 4.** Section 53-21-1002, MCA, is amended to read:

6 **"53-21-1002. Duties of department.** The department:

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

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

12 (3) shall specifically address:

13 (a) provider contracting;

14 (b) service planning;

15 (c) preadmission screening; ~~and~~

16 (d) discharge planning that meets the requirements of 53-21-180;

17 ~~(d)~~(e) quality management;

18 ~~(e)~~(f) utilization management and review;

19 ~~(f)~~(g) consumer and family education; and

20 ~~(g)~~(h) rights protection;

21 (4) shall collect and disseminate information relating to mental health;

22 (5) shall prepare and maintain a comprehensive plan to develop public mental health services in the state
 23 and to establish service areas;

24 (6) must receive from agencies of the United States and other state agencies, persons or groups of
 25 persons, associations, firms, or corporations grants of money, receipts from fees, gifts, supplies, materials, and
 26 contributions for the development of mental health services within the state;

27 (7) shall establish qualified provider certification standards by rule, which may include requirements for
 28 national accreditation for mental health programs that receive funds from the department;

29 (8) shall perform an annual review and evaluation of mental health needs and services, including housing
 30 needs and options for patients discharged from the Montana state hospital or another mental health facility, within

1 the state by region; and

2 (9) shall evaluate the performance of programs that receive funds from the department for compliance
3 with federal and state standards;

4 ~~(9)~~(10) shall coordinate state and community resources to ensure comprehensive delivery of services
5 to children with emotional disturbances, as provided in Title 52, chapter 2, part 3, and submit at least a biennial
6 report to the governor and the legislature concerning the activities and recommendations of the department and
7 service providers; and

8 ~~(10)~~(11) shall coordinate the establishment of service area authorities, as provided in 53-21-1006, to
9 collaborate with the department in the planning and oversight of mental health services in a service area."
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11 **Section 5.** Section 53-21-1006, MCA, is amended to read:

12 **"53-21-1006. Service area authorities -- leadership committees -- boards -- plans.** (1) In the
13 development of a service area authority, public meetings must be held in communities throughout a service area
14 as defined by the department by rule. The purpose of the meetings is to assist the department to establish a
15 stakeholder leadership committee. The meetings must be designed to solicit input from consumers of services
16 for persons with mental illness, advocates, family members of persons with mental illness, mental health
17 professionals, county commissioners, and other interested community members.

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

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

26 (4) The service area authority board must be established under Title 35, chapter 2. Nonprofit
27 corporations incorporated for the purposes of this part may not be considered agencies of the department or the
28 state of Montana.

29 (5) A service area authority board:

30 (a) shall collaborate with the department for purposes of planning and oversight of mental health services

- 1 of the service area, including:
- 2 (i) provider contracting;
- 3 (ii) quality and outcome management;
- 4 (iii) service planning;
- 5 (iv) utilization management and review;
- 6 (v) preadmission screening; ~~and~~
- 7 (vi) discharge planning as required under 53-21-180;
- 8 ~~(vii)~~(vii) consumer advocacy and family education and rights protection;
- 9 ~~(viii)~~(viii) infrastructure;
- 10 ~~(ix)~~(ix) information requirements; and
- 11 ~~(x)~~(x) procurement processes;
- 12 (b) shall review and monitor crisis intervention programs established pursuant to 53-21-1202;
- 13 (c) shall submit a biennial review and evaluation of mental health service needs and services within the
- 14 service area, including housing needs and options for patients discharged from the Montana state hospital or
- 15 another mental health facility;
- 16 (d) shall keep all records of the board and make reports required by the department;
- 17 (e) may enter into contracts with the department for purposes of planning and oversight of the service
- 18 area if the department certifies that the service area authority is capable of assuming the duty;
- 19 (f) may receive and shall administer funding available for the provision of mental health services,
- 20 including grants from the United States government and other agencies, receipts for established fees rendered,
- 21 taxes, gifts, donations, and other types of support or income. All funds received by the board must be used to
- 22 carry out the purposes of this part.
- 23 (g) may reimburse board members for actual and necessary expenses incurred in attending meetings
- 24 and in the discharge of board duties as assigned by the board;
- 25 (h) shall either include a county commissioner or work closely with county commissioners in the service
- 26 area; and
- 27 (i) shall take into consideration the policies, plans, and budget developed by the children's system of care
- 28 planning committee provided for in 52-2-303.
- 29 (6) A service area authority may not directly provide mental health services."

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