

HOUSE BILL NO. 191

INTRODUCED BY R. DEVLIN

BY REQUEST OF THE OFFICE OF BUDGET AND PROGRAM PLANNING

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT THE MENTAL HEALTH OMBUDSMAN IS A DISCRETIONARY APPOINTMENT FOR A TERM OF UP TO 4 YEARS; AMENDING SECTION 2-15-210, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

Section 1. Section 2-15-210, MCA, is amended to read:

"2-15-210. Mental health ombudsman. (1) ~~There is a~~ The governor may appoint a mental health ombudsman. The ombudsman ~~must~~ may be appointed by the governor for a term of up to 4 years. ~~The~~ If appointed, the ombudsman is attached to the office of the governor for administrative purposes.

(2) ~~The~~ If an ombudsman is appointed, the ombudsman shall provide an annual report to the governor and to the legislature, as required by 5-11-210, and may include recommendations regarding the mental health system.

(3) ~~The~~ If an ombudsman is appointed, the ombudsman shall represent the interests of individuals with regard to the need for public mental health services, including individuals in transition from public to private services. The ombudsman may not provide a legal advocacy service.

(4) The ombudsman may retain counsel for legal support.

(5) Names of individuals receiving assistance from the ombudsman and information associated with an individual compiled by the ombudsman in the course of conducting an investigation are confidential and privileged information and may not be disclosed unless a court has determined that certain information is subject to compulsory legal process or discovery because the party seeking the information has demonstrated that there is a compelling state interest that outweighs the individual's privacy interest or the information is requested pursuant to an investigative subpoena issued under 46-4-301."

NEW SECTION. **Section 2. Effective date.** [This act] is effective July 1, 2003.

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