

HOUSE BILL NO. 727

INTRODUCED BY E. CLARK, COBB, KEENAN, STONINGTON

BY REQUEST OF THE HOUSE JOINT APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR THE DISCONTINUANCE OF THE EASTMONT HUMAN SERVICES CENTER; PROVIDING FOR THE TRANSFER OF THE FACILITY TO THE DEPARTMENT OF CORRECTIONS; PROVIDING A TIMEFRAME FOR THE CLOSURE AND TRANSFER; AMENDING SECTIONS 53-1-402, 53-1-602, AND 53-20-102, MCA; REPEALING SECTIONS 53-20-501 AND 53-20-502, MCA; AND PROVIDING AN EFFECTIVE DATE."

WHEREAS, the Eastmont Human Services Center has provided consistent high-quality care to the residents of the Center; and

WHEREAS, the community of Glendive has continuously supported the staff and residents of the Eastmont Human Services Center; and

WHEREAS, the lack of a need to continue the use of the Eastmont Human Services Center as a residential facility for persons with developmental disabilities does not diminish the state's admiration of the dedication of the staff and the support of the community of Glendive for the Center; and

WHEREAS, section 53-1-602(2), MCA, provides that a state institution may not be moved, discontinued, or abandoned without the consent of the Legislature, this act constitutes consent for the discontinuance of the Eastmont Human Services Center.

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

Section 1. Section 53-1-402, MCA, is amended to read:

"53-1-402. Residents and financially responsible persons liable for cost of care. (1) A resident and a financially responsible person are liable to the department for the resident's cost of care as provided in this part. The cost of care includes the applicable per diem and ancillary charges or all-inclusive rate charges for the care of residents in the following institutions:

- (a) Montana state hospital;
- (b) Montana developmental center;

- (c) Montana veterans' home;
- (d) eastern Montana veterans' home;
- (e) Montana mental health nursing care center;
- ~~(f) Eastmont human services center;~~ and
- ~~(g)~~(f) Montana chemical dependency treatment center.

(2) The eastern Montana veterans' home may assess charges on either a per diem and ancillary charge basis or an all-inclusive rate basis if the department contracts with a private vendor to operate the facility as provided for in 10-2-416.

(3) The Montana state hospital and the Montana mental health nursing center may determine the cost of care using an all-inclusive rate or per diem and ancillary charges if the department contracts with a private entity to operate a mental health managed care program."

Section 2. Section 53-1-602, MCA, is amended to read:

"53-1-602. Department of public health and human services. (1) The following components are in the department of public health and human services to carry out the purposes of the department:

(a) mental health services, consisting of the following institutional components for care and treatment of the mentally ill pursuant to Title 53, chapter 21:

- (i) the Montana state hospital;
- (ii) the Montana mental health nursing care center; and
- (iii) a community services component, consisting of appropriate services for the care and treatment of

the mentally ill pursuant to Title 53, chapter 21, part 2;

(b) chemical dependency services, consisting of appropriate detoxification, inpatient, intensive outpatient, outpatient, prevention, education, and other necessary chemical dependency services pursuant to Title 53, chapter 24;

(c) an institutional and residential components component of the developmental disabilities system for those persons with developmental disabilities who require institutional or residential care according to Title 53, chapter 20, which ~~components consist~~ component consists of:

- ~~(i)~~ the Montana developmental center; and
- ~~(ii) the Eastmont human services center; and~~

(d) the veterans' nursing homes for the nursing home and domiciliary care of honorably discharged veterans as provided by law, consisting of:

- (i) the Montana veterans' home; and
 - (ii) the eastern Montana veterans' home at Glendive.
- (2) A state institution may not be moved, discontinued, or abandoned without the consent of the legislature."

Section 3. Section 53-20-102, MCA, is amended to read:

"53-20-102. Definitions. As used in this part, the following definitions apply:

- (1) "Board" or "mental disabilities board of visitors" means the mental disabilities board of visitors created by 2-15-211.
- (2) "Community-based facilities" or "community-based services" means those facilities and services that are available for the evaluation, treatment, and habilitation of persons with developmental disabilities in a community setting.
- (3) "Court" means a district court of the state of Montana.
- (4) "Developmental disabilities professional" means a licensed psychologist, a licensed psychiatrist, or a person with a master's degree in psychology, who:
- (a) has training and experience in psychometric testing and evaluation;
 - (b) has experience in the field of developmental disabilities; and
 - (c) is certified, as provided in 53-20-106, by the department of public health and human services.
- (5) "Developmental disability" means a disability that is attributable to mental retardation, cerebral palsy, epilepsy, autism, or any other neurologically disabling condition closely related to mental retardation and that requires treatment similar to that required by mentally retarded individuals. A developmental disability is a disability that originated before the individual attained age 18, that has continued or can be expected to continue indefinitely, and that results in the person having a substantial disability.
- (6) "Habilitation" means the process by which a person who has a developmental disability is assisted in acquiring and maintaining those life skills that enable the person to cope more effectively with personal needs and the demands of the environment and in raising the level of the person's physical, mental, and social efficiency. Habilitation includes but is not limited to formal, structured education and treatment.
- (7) "Individual treatment planning team" means the interdisciplinary team of persons involved in and responsible for the habilitation of a resident. The resident is a member of the team.
- (8) "Next of kin" includes but is not limited to the spouse, parents, adult children, and adult brothers and sisters of a person.

(9) "Qualified mental retardation professional" means a professional program staff person for the residential facility who the department of public health and human services determines meets the professional requirements necessary for federal certification of the facility.

(10) "Resident" means a person committed to a residential facility.

(11) "Residential facility" or "facility" means the Montana developmental center ~~and the Eastmont human services center.~~

(12) "Residential facility screening team" means a team of persons, appointed as provided in 53-20-133, that is responsible for screening a respondent to determine if the commitment of the respondent to a residential facility is appropriate.

(13) "Respondent" means a person alleged in a petition filed pursuant to this part to be seriously developmentally disabled and in need of developmental disability services in a residential facility.

(14) "Responsible person" means a person willing and able to assume responsibility for a person who is seriously developmentally disabled or alleged to be seriously developmentally disabled.

(15) "Seriously developmentally disabled" means a person who:

- (a) has a developmental disability;
- (b) is impaired in cognitive functioning; and

(c) has behaviors that pose an imminent risk of serious harm to self or others or self-help deficits so severe as to require total care or near total care and who, because of those behaviors or deficits, cannot be safely and effectively habilitated in community-based services."

NEW SECTION. Section 4. Transfer of property -- allowed purpose. Pursuant to 53-20-505 and 77-2-302, the former Eastmont human services center at Glendive is the property of the department of corrections, and the building may be used for any purpose determined appropriate by the department. Whenever possible, the department shall employ the former employees of the Eastmont human services center in the new program established at the facility.

NEW SECTION. Section 5. Transition. The Eastmont human services center must be closed by December 31, 2003, and be transferred to the department of corrections by that date. WHEN THE DEPARTMENT CONTRACTS FOR ADDITIONAL GROUP HOMES FOR THE DEVELOPMENTALLY DISABLED, THE DEPARTMENT SHALL GIVE PRIORITY TO PROVIDING THOSE HOMES IN A COMMUNITY IN EASTERN MONTANA IN WHICH A RESIDENTIAL FACILITY HAS BEEN CLOSED. IT IS THE INTENT OF THE LEGISLATURE THAT THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES

HAVE ACCESS TO THE PERSONAL SERVICES CONTINGENCY FUNDS IN HOUSE BILL NO. 13 IN ORDER TO ADDRESS ANY SEVERANCE PAY AND COSTS FOR REDUCTION IN FORCE ASSOCIATED WITH THE CLOSURE OF EASTMONT HUMAN SERVICES CENTER.

NEW SECTION. **Section 6. Repealer.** Sections 53-20-501 and 53-20-502, MCA, are repealed.

NEW SECTION. **Section 7. Codification instruction.** [Section 4] is intended to be codified as an integral part of Title 53, chapter 1, part 2, and the provisions of Title 53, chapter 1, part 2, apply to [section 4].

NEW SECTION. **Section 8. Effective date.** [This act] is effective July 1, 2003.

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