



AN ACT PROVIDING THAT A PRIVATE INSURER OR PUBLIC ASSISTANCE PROGRAM IS RESPONSIBLE FOR THE COSTS OF PRECOMMITMENT DETENTION, EXAMINATION, AND TREATMENT OF A RESPONDENT IN A MENTAL HEALTH COMMITMENT PROCEEDING BEFORE THE COUNTY OF RESIDENCE IS RESPONSIBLE FOR THOSE COSTS; AMENDING SECTION 53-21-132, MCA; AND PROVIDING AN EFFECTIVE DATE.

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 ~~precommitment examination, detention, treatment, and~~ 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 ~~by the county in which the person resides at the time that the person is committed~~ 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 county of residence shall also pay all~~ The costs of precommitment expenses, including ~~transportation to a mental health facility, incurred in connection with the~~ psychiatric detention, precommitment psychiatric examination, and precommitment ~~custody~~ 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 of residence of the respondent in an amount not to exceed the amount paid for the service by a public assistance program.

~~(b) However, the~~ 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. Precommitment costs related to the use of two-way electronic audio-video communication in the county of commitment must be paid by the county in which

the person resides at the time that the person is committed. The costs of the use of two-way electronic audio-video communication from the state hospital for a patient who is under a voluntary or involuntary commitment to the state hospital must be paid by the state. The fact that a person is examined, hospitalized, or receives medical, psychological, or other mental health treatment pursuant to this part does not relieve a third party from a contractual obligation to pay for the cost of the examination, hospitalization, or treatment.

(3) The adult respondent or the parent or guardian of a minor shall pay the cost of treatment and custody ordered pursuant to 53-21-127, except to the extent that the adult or minor is eligible for public mental health program funds.

(4) A community service provider that is a private, nonpublic provider may not be required to treat or treat without compensation a person who has been committed."

Section 2. Cost study. The department of public health and human services shall work with county attorneys and county commissioners to ascertain the actual precommitment costs of involuntary commitments and present that information and any findings and recommendations to the 2007 legislature through an appropriate interim committee.

Section 3. Effective date. [This act] is effective July 1, 2005.

- END -

I hereby certify that the within bill,
HB 0395, originated in the House.

Chief Clerk of the House

Speaker of the House

Signed this _____ day
of _____, 2019.

President of the Senate

Signed this _____ day
of _____, 2019.

HOUSE BILL NO. 395

INTRODUCED BY BECKER, EATON, DRISCOLL, GRINDE

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