

HOUSE BILL NO. 551
INTRODUCED BY A. BECKER

A BILL FOR AN ACT ENTITLED: "AN ACT SPECIFYING THE MAXIMUM PERIOD OF DAYS FOR WHICH A COUNTY MAY BE BILLED FOR THE COSTS OF PRECOMMITMENT PSYCHIATRIC DETENTION, EXAMINATION, AND TREATMENT; AMENDING SECTION 53-21-132, MCA; AND PROVIDING AN IMMEDIATE 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 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 of residence of the respondent in an amount not to exceed the amount paid for the service by a public assistance program.

(b) (i) The county of residence may be billed for a maximum of 6 days of precommitment psychiatric detention, precommitment psychiatric examination, or precommitment psychiatric treatment for a commitment proceeding for the respondent.

(ii) If a respondent is held for a precommitment examination that exceeds the time period for which the county is required to pay under this subsection (2)(b), the professional person conducting the precommitment examination shall ask the county attorney to approve an extension of the time period.

~~(b)~~(c) 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."

NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval.

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