

HOUSE JOINT RESOLUTION NO. 50
INTRODUCED BY BECKER, STAHL, ARNTZEN, GRINDE

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING THAT AN APPROPRIATE INTERIM COMMITTEE STUDY MONTANA'S PSYCHIATRIC PRECOMMITMENT EXAMINATION, DETENTION, AND TREATMENT PROCESS AND COSTS.

WHEREAS, section 53-21-132, MCA, requires Montana counties to serve as the payor of last resort for the psychiatric precommitment examination, detention, and treatment costs incurred when a court order has been sought to commit a seriously mentally ill person to the Montana State Hospital; and

WHEREAS, psychiatric precommitment evaluations for which counties have been billed have ranged in duration from 3 days to more than 45 days; and

WHEREAS, the lack of time limits on psychiatric precommitment evaluations not only creates uncertainty for a person subject to commitment proceedings, but also may delay the person's placement in the most appropriate treatment setting; and

WHEREAS, the lack of time limits on psychiatric precommitment evaluations also creates financial uncertainty for Montana's counties, resulting in unanticipated costs.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislative Council be requested to designate an appropriate interim committee, pursuant to section 5-5-217, MCA, or direct sufficient staff resources to:

(1) study the ways in which the psychiatric precommitment examination, detention, and treatment provisions of state law have been used across the state, including the number of days that individuals are in precommitment evaluation status in each county;

(2) determine the amount of money that Montana's county governments have paid for psychiatric precommitment examination, detention, and treatment, including the trends in those costs over time; and

(3) review the number of people committed to the Montana State Hospital pursuant to the provisions of Title 53, chapter 21, part 1, MCA, including the number of people committed from each Montana county.

BE IT FURTHER RESOLVED, that the study involve discussions with county officials, mental health providers, District Judges, County Attorneys, the Office of State Public Defender, the Department of Public Health

and Human Services, and mental health advocates to provide needed information on ways to streamline the system for both mental health consumers and county governments.

BE IT FURTHER RESOLVED, that the committee identify alternatives to the current psychiatric precommitment examination, detention, and treatment process that would:

(1) allow timely resolution of commitment proceedings to ensure that a person who is subject to a commitment proceeding is placed in the most appropriate treatment setting as quickly as possible; and

(2) improve a county government's ability to predict and budget for the costs of psychiatric precommitment evaluations.

BE IT FURTHER RESOLVED, that if the study is assigned to staff, any findings or conclusions be presented to and reviewed by an appropriate committee designated by the Legislative Council.

BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review requirements, be concluded prior to September 15, 2008.

BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions, comments, or recommendations of the appropriate committee, be reported to the 61st Legislature.

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