

SENATE BILL NO. 394  
INTRODUCED BY C. SQUIRES

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE TRANSFER OF ANY MONEY USED TO SUPPORT PERSONS WITH DEVELOPMENTAL DISABILITIES OR WITH MENTAL DISORDERS WHO ARE RESIDENTS OF STATE-OWNED RESIDENTIAL FACILITIES TO FOLLOW THE PERSON, LIMITED TO LESS THAN OR EQUAL TO THE AMOUNT CURRENTLY ALLOCATED TO EACH RESIDENT, FOR SERVICES TO BE PROVIDED IN A COMMUNITY PLACEMENT OR SETTING; AND PROVIDING AN EFFECTIVE DATE."

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

**NEW SECTION. Section 1. Requirement of funds to follow person from residential facility to community placement.** (1) Any money appropriated to or received by the department to provide services in a residential facility, as defined in 53-20-102, to a person with a developmental disability committed to a residential facility must be transferred, as provided in 53-20-214, with the resident when the resident is appropriately placed in a developmental disabilities facility or a comprehensive developmental disability system. Services must be provided as close as possible to the former resident's county of residence.

(2) The amount of funding transferred with a resident from a residential facility to a placement in a developmental disabilities facility or a comprehensive developmental disability system must be less than or equal to the amount of funding being spent on that resident's care and treatment at the time of approval for placement. The funding amount must be documented in a resident's treatment plan.

(3) If the funding required to support a community placement for a resident is greater than funding used in a residential facility, the resident may be maintained in the residential facility for the length of the treatment.

(4) Funding allocated to the resident's services and support in a developmental disabilities facility or a comprehensive developmental disability system may be transferred back to the residential facility only if any of the following events occurs:

- (a) the resident moves out of the state;
- (b) the resident's treatment planning team has determined that the resident should return to the residential facility for treatment;
- (c) the resident has transitioned to living with family or is receiving services and support in a manner that does not require the residential facility-transferred funding;

(d) the resident dies while in the community.

(5) Any service or support provided with funding transferred from a residential facility is subject to conditions, including but not limited to:

(a) following a habilitation plan developed pursuant to 53-20-203 that may include case management services, medication, short-term inpatient treatment, chemical dependency treatment, or assertive community treatment, as set forth by the comprehensive developmental disability system or the individual responsible for the management and supervision of the resident's treatment; or

(b) specific residential or housing requirements that may include being under the care or custody of a relative or guardian.

**NEW SECTION. Section 2. Requirement of funds to follow person from state hospital to community placement.** (1) Any money appropriated to or received by the department to provide services in the state hospital to a patient with a mental disorder must be transferred with the patient when the patient is appropriately placed in a mental health facility or returned to the community. Services must be provided as close as possible to the former patient's county of residence.

(2) The amount of funding transferred with a patient from the state hospital must be less than or equal to the amount of funding being spent on that patient's care and treatment at the time of approval for placement or release. The funding amount must be documented in a patient's treatment plan.

(3) If the funding required to support a community placement for a patient is greater than funding used in the state hospital, the patient may be maintained in the state hospital for the length of the patient's treatment.

(4) Funding allocated to the patient's services and support in a mental health facility or in community placement may be transferred back to the state hospital only if any of the following events occurs:

(a) the patient moves out of the state;

(b) the patient is recommitted to the state hospital for treatment;

(c) the patient has transitioned to living with family or is receiving services and support in a manner that does not require the transferred funding;

(d) the patient dies while in the community.

(5) Any service or support provided with funding transferred from the state hospital is subject to following a treatment plan developed pursuant to 53-21-150 that may include conditions as provided in 53-21-149.

**NEW SECTION. Section 3. Codification instruction.** (1) [Section 1] is intended to be codified as an

integral part of Title 53, chapter 20, part 2, and the provisions of Title 53, chapter 20, part 2, apply to [section 1].

(2) [Section 2] is intended to be codified as an integral part of Title 53, chapter 21, part 1, and the provisions of Title 53, chapter 21, part 1, apply to [section 2].

NEW SECTION. **Section 4. Effective date.** [This act] is effective July 1, 2007.

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