

HOUSE BILL NO. 43

INTRODUCED BY S. LAVIN

BY REQUEST OF THE LAW AND JUSTICE INTERIM COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THAT THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES ESTABLISH A BEHAVIORAL HEALTH TRIAGE SYSTEM FOR PARTICIPATING DETENTION CENTERS; PROVIDING A GRANT PROGRAM FOR PARTICIPATING DETENTION CENTERS; REQUIRING THE DEPARTMENT TO ADOPT RULES; PROVIDING AN APPROPRIATION; AND PROVIDING AN EFFECTIVE DATE."

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

NEW SECTION. **Section 1. Legislative intent.** The intent of the legislature in enacting [sections 1 through 7] is to create a program based on nationally recognized methodologies to identify and reduce the risk of jail suicide and to manage other behavioral health risks in detention centers. In implementing the grant program established in [section 4] and in the adoption of rules pursuant to [section 7], it is the intent of the legislature that the department allow detention centers maximum flexibility to the extent allowable within accepted clinical standards.

NEW SECTION. **Section 2. Definitions.** As used in [sections 1 through 7], the following definitions apply:

- (1) "Community mental health center" has the meaning provided in 53-21-1001.
- (2) "Department" means the department of public health and human services established in 2-15-2201.
- (3) "Detention center" means a detention center, as defined in 7-32-2120, that is operated by a local government.
- (4) "Inmate" means an individual who is confined in or being processed for intake into a detention center.
- (5) "Mental health professional" has the meaning provided in 53-21-102.
- (6) "Screening instrument" means a series of questions designed to determine behavioral health risks, including the risk of suicide.

1 **NEW SECTION. Section 3. Department to establish detention center behavioral health triage**
2 **system.** (1) The department shall contract with one or more community mental health centers for a behavioral
3 health triage system to assist participating detention centers in screening inmates for behavioral risks due to a
4 mental disorder, a developmental disability, a brain injury, suicidal thoughts, or other mental health concerns. The
5 behavioral health triage system must consist of:

6 (a) a screening instrument to be used by detention center staff to identify behavioral health risks, the
7 level of risk, and the appropriate housing, supervision, and care protocols that should be implemented within the
8 detention center to mitigate the risks or to identify whether an inmate should be transferred to an appropriate
9 mental health facility; and

10 (b) a 24-hour toll-free telephonic or video hotline staffed by a qualified mental health professional that
11 detention center staff may use if the screening instrument indicates that an inmate may present a behavioral
12 health risk necessitating further assessment by a mental health professional.

13 (2) In creating and maintaining the behavioral health triage system, the department shall consult with:

14 (a) detention centers;

15 (b) the Montana sheriffs and peace officers association;

16 (c) community mental health centers;

17 (d) the Montana chapter of the national alliance on mental illness;

18 (e) regional mental health service area authorities created pursuant to Title 53, chapter 21, part 10; and

19 (f) the Montana association of counties.

20 (3) Records generated pursuant to this section must be treated in the same manner and with the same
21 degree of confidentiality as other medical records of the inmate.

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23 **NEW SECTION. Section 4. Detention center participation -- cost-sharing -- grant program.** (1) A
24 detention center may apply to the department to participate in the behavioral health triage system established
25 pursuant to [section 3].

26 (2) The cost for maintaining the 24-hour hotline must be shared between the state and participating
27 detention centers. However, the state may not charge a detention center more than 50% of the cost.

28 (3) (a) The department shall establish a grant program for participating detention centers.

29 (b) A participating detention center may apply for grants to help cover detention center costs associated
30 with implementing risk management protocols within the detention center as indicated by the behavioral health

1 triage system.

2 (c) Grants may be provided for but are not limited to the following:

3 (i) special housing needs, such as suicide smocks and special bedding;

4 (ii) special supervision requirements, such as 24-hour video monitoring equipment; and

5 (iii) aftercare, such as providing the inmate with followup consultations or visits with a mental health
6 professional.

7 (d) A grant may not be used to pay for transportation of an inmate to a mental health facility unless the
8 department provides an exception for special circumstances.

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10 **NEW SECTION. Section 5. Data collection.** The department shall collect data concerning the
11 participating detention centers and inmates, risks identified, protocols implemented, and outcomes. Participating
12 detention center personnel shall cooperate in providing detention center data to the department as requested.

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14 **NEW SECTION. Section 6. Report to committee.** (1) Upon request, the department shall provide to
15 the law and justice interim committee, provided for in 5-5-226, a report on the system provided for in [sections
16 1 through 7].

17 (2) The report must include but is not limited to an assessment of:

18 (a) the behavioral health triage system's degree of success;

19 (b) collateral impacts, such as whether the system places unacceptable pressure on other parts of the
20 state or local mental health treatment system;

21 (c) whether the system causes or should require additional diversions to community crisis centers;

22 (d) whether the system causes or should require additional transportation operations to the Montana
23 state hospital; and

24 (e) whether further legislation is needed to clarify or enhance the system.

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26 **NEW SECTION. Section 7. Rulemaking.** The department shall adopt rules to implement the provisions
27 of [sections 1 through 7].

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29 **NEW SECTION. Section 8. Appropriation.** There is appropriated from the general fund to the
30 department of public health and human services \$250,000 for the biennium ending June 30, 2015, to be used

1 for the purposes of [sections 1 through 7].

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3 NEW SECTION. Section 9. Codification instruction. [Sections 1 through 7] are intended to be codified
4 as an integral part of Title 53, chapter 30, and the provisions of Title 53, chapter 30, apply to [sections 1 through
5 7].

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7 NEW SECTION. Section 10. Effective date. [This act] is effective July 1, 2013.

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