

HOUSE BILL NO. 387

INTRODUCED BY K. WAGONER, E. MCCLAFFERTY

1
2
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATING TO THE CONTINUUM OF CARE FOR
5 PEOPLE WITH DEVELOPMENTAL DISABILITIES; AUTHORIZING THE DEPARTMENT OF PUBLIC HEALTH
6 AND HUMAN SERVICES TO ESTABLISH A 12-BED INTENSIVE BEHAVIOR CENTER AS A COMPONENT OF
7 THE CONTINUUM OF CARE; EXTENDING THE CLOSURE DATE FOR THE MONTANA DEVELOPMENTAL
8 CENTER; PROVIDING DEFINITIONS; PROVIDING RULEMAKING AUTHORITY; AMENDING SECTION 1,
9 CHAPTER 444, LAWS OF 2015; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE; AMENDING SECTION
10 1, CHAPTER 444, LAWS OF 2015."

11
12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

13
14 NEW SECTION. **Section 1. Definitions.** As used in this part, the following definitions apply:

- 15 (1) "Center" means the intensive behavior center provided for in [section 2].
- 16 (2) "Department" means the department of public health and human services provided for in 2-15-2201.
- 17 (3) "Developmental disability" has the meaning provided in 53-20-102.

18
19 NEW SECTION. **Section 2. Intensive behavior center limitations.** (1) The department shall establish
20 a 12-bed intensive behavior center as a new service for individuals with a developmental disability who are in
21 need of intensive treatment because of continuous or repeated behaviors that pose an imminent risk of serious
22 harm to self or others.

23 (2) The center shall provide a program of active treatment in a secure residential environment. The
24 treatment must:

- 25 (a) address the behavioral issues of each resident; and
- 26 (b) foster for each resident the transition to and residency in less restrictive service settings.

27 (3) The center may serve only individuals for whom the department has asked a county attorney to file
28 a petition alleging the individual is in need of the services and secure setting of the center and requesting that
29 the individual be committed to the center for services through imposition of a community treatment plan as
30 provided in 53-20-121.

1
2 **NEW SECTION. Section 3. Licensing.** The intensive behavior center operated pursuant to [sections
3 1 through 4] must be licensed as an intermediate care facility for the developmentally disabled in accordance with
4 50-5-238.

5
6 **NEW SECTION. Section 4. Rulemaking authority.** The department may adopt rules to carry out
7 [sections 1 through 4], including but not limited to rules for eligibility requirements for admission to the facility.

8
9 **Section 5.** Section 1, Chapter 444, Laws of 2015, is amended to read:

10 **"Section 1. Legislative intent -- direction to department of public health and human services.** It
11 is the intent of the legislature to provide services to individuals with developmental disabilities in the community,
12 as established in 53-20-101 and 53-20-301, and to close the Montana developmental center. To accomplish this
13 purpose, the legislature directs the department of public health and human services to:

14 (1) ~~in conjunction with the transition planning committee established in [section 2], develop and~~
15 ~~implement a plan to close the Montana developmental center by June 30, 2017~~ 2019; and

16 (2) transfer funds as authorized by 17-7-139, 53-20-214, and federal laws and regulations to develop
17 the services needed to move residents out of the Montana developmental center and into community-based
18 services; ~~and~~

19 ~~—— (3) transition most residents out of the Montana developmental center and into community-based~~
20 ~~services by December 31, 2016. As part of this transition, the legislature intends for the department of public~~
21 ~~health and human services to:~~

22 ~~—— (a) actively pursue the timely discharge of Montana developmental center residents into~~
23 ~~community-based services; and~~

24 ~~—— (b) work with community providers to develop necessary services."~~

25
26 **NEW SECTION. Section 6. Direction to department of public health and human services**
27 **concerning closure of Montana developmental center.** The legislature directs the department of public health
28 and human services to continue to actively discharge individuals from the Montana developmental center during
29 the biennium beginning July 1, 2017, and to close the Montana developmental center on or before June 30, 2019.

30

1 **NEW SECTION. Section 7. Codification instruction.** [Sections 1 through 4] are intended to be codified
2 as an integral part of Title 53, chapter 20, and the provisions of Title 53, chapter 20, apply to [sections 1 through
3 4].

4

5 **NEW SECTION. Section 8. Effective date.** [This act] is effective on passage and approval.

6

- END -