

HOUSE BILL NO. 446

INTRODUCED BY J. BACHMEIER

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A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING REQUIREMENTS FOR COMPREHENSIVE SCHOOL AND COMMUNITY TREATMENT PROGRAM SERVICES FOR YOUTH WITH MENTAL HEALTH CONDITIONS; ALLOWING LICENSED MENTAL HEALTH PROFESSIONALS AND FACILITIES TO CONTRACT WITH SCHOOLS FOR SERVICES; ESTABLISHING PROGRAM AND PROVIDER CRITERIA; PROVIDING DEFINITIONS; PROVIDING RULEMAKING AUTHORITY; AND PROVIDING AN EFFECTIVE DATE."

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

NEW SECTION. **Section 1. Definitions.** As used in [sections 1 through 5], the following definitions apply:

(1) "Comprehensive school and community treatment program" or "program" means a comprehensive planned course of community mental health outpatient treatment provided in cooperation and under a written contract with a school district.

(2) "Individualized education program" means a written plan developed and implemented for a student with a disability in accordance with 34 CFR 300.320 through 300.325.

(3) "Licensed mental health professional" means:

(a) a physician, clinical psychologist, social worker, or professional counselor licensed under Title 37 to practice in Montana;

(b) an occupational therapist who is licensed under Title 37 to practice in Montana and:

(i) has had at least 3 years' experience working primarily with individuals with serious mental illness; and

(ii) is working in a youth or adult day treatment program;

(c) a registered nurse who is licensed under Title 37 to practice in Montana and has had at least 3 years' experience working primarily with individuals with serious mental illness;

(d) a school counselor who is licensed by the office of public instruction to practice in Montana; and

(e) a school psychologist who is licensed by the office of public instruction to practice in Montana.

(4) "Provider" means any of the following entities that have entered into a provider agreement with the department to provide mental health services to youth with serious emotional disturbance who are enrolled in the



1 medical assistance program provided in Title 53, chapter 6, part 1, and have received a comprehensive school
2 and community treatment program endorsement from the department:

3 (a) a licensed mental health professional, licensed mental health center, or other licensed health care
4 entity; or

5 (b) a public school, special education cooperative, multidistrict agreement cooperative, or interlocal
6 agreement cooperative that retains qualified staff either through employment or an independent contractor
7 agreement.

8 (5) "Serious emotional disturbance" means, with respect to a youth, that a youth meets the criteria
9 established by the department by rule for the condition.

10 (6) "Youth" means a person 17 years of age and younger or a person who is up to 20 years of age and
11 is enrolled in an accredited secondary school.

12

13 **NEW SECTION. Section 2. Comprehensive school and community treatment program.** (1) The
14 department may contract with a provider to offer a comprehensive school and community treatment program in
15 a school setting to improve mental health services and supports for youth.

16 (2) The provider must have a written contract with a school district that meets the requirements of
17 [sections 1 through 5] and related administrative rules.

18 (3) The school and provider must specify a referral and enrollment process that:

19 (a) includes the program's licensed or in-training mental health professional and a school administrator
20 or designee;

21 (b) ensures youth have access to services prioritized according to acuity and need as specified by the
22 department by rule; and

23 (c) considers the current caseload of the program in terms of a waiting list and near-term discharges.

24 (4) The contract must include recordkeeping, management, and billing procedures and must state which
25 party is responsible for each requirement.

26 (5) A school's program must be coordinated with the special education program of a youth if the youth
27 is identified as a child with a disability and is receiving special education services under the Individuals with
28 Disabilities Education Act.

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30 **NEW SECTION. Section 3. Comprehensive school and community treatment program -- eligibility**

- 1 -- **services.** (1) Comprehensive school and community treatment program services may be provided to:
- 2 (a) youth ages 3 to 5 who are:
- 3 (i) receiving special education services from a public school in accordance with an individualized
- 4 education program under the Individuals with Disabilities Education Act; or
- 5 (ii) attending a preschool program offered through a public school; and
- 6 (b) youth ages 6 to 20 who are enrolled in a public school.
- 7 (2) A program offered under [sections 1 through 5] must be able to provide the following services when
- 8 clinically indicated:
- 9 (a) individual and group therapy;
- 10 (b) behavioral intervention;
- 11 (c) other evidence- and research-based practices effective in the treatment of youth with serious
- 12 emotional disturbance;
- 13 (d) direct crisis intervention services during the time the youth is present in a school-owned or -operated
- 14 facility;
- 15 (e) a crisis plan that identifies a range of potential crisis situations and corresponding responses
- 16 including a plan for arranging for face-to-face encounters and telephonic response 24 hours a day, as
- 17 appropriate;
- 18 (f) coordination of the treatment plan with substance use disorder and mental health treatment services
- 19 a youth obtains outside of the program;
- 20 (g) access to emergency services; and
- 21 (h) referral and aftercare coordination with inpatient or other out-of-home placement programs.
- 22 (3) The program must make continuous treatment available for the full year, with a minimum of 16 hours
- 23 of program services available per month in summer months.

- 24
- 25 **NEW SECTION. Section 4. Comprehensive school and community treatment program -- provider**
- 26 **and school requirements.** (1) A provider may contract with the department if the provider has a comprehensive
- 27 school and community treatment program endorsement issued by the department. The department shall provide
- 28 the endorsement to providers meeting the requirements of [sections 1 through 5] and related administrative rules.
- 29 (2) Staff participating in a comprehensive school and community treatment program shall meet the
- 30 training requirements established by the department by rule.

1 (3) A comprehensive school and community treatment program team must include a full-time equivalent
2 mental health professional and a full-time equivalent behavioral health aide.

3 (4) The mental health professional may be a licensed professional or an in-training professional. An
4 in-training professional must be:

5 (a) supervised by a licensed mental health professional; and

6 (b) licensed by the last day of the calendar year following the state fiscal year in which supervised hours
7 were completed.

8 (5) A behavioral health aide must meet education and training requirements established by the
9 department by rule.

10 (6) Program services for youth with serious emotional disturbance must be provided according to an
11 individualized treatment program designed by a licensed or in-training mental health professional who is a staff
12 member of a program team. In addition to the mental health professional, the team must include:

13 (a) a school administrator or designee;

14 (b) a parent or legal guardian of the youth;

15 (c) the youth, when appropriate; and

16 (d) other individuals who are providing services or who have knowledge or special expertise regarding
17 the youth, if requested by a parent, guardian, or agency.

18
19 **NEW SECTION. Section 5. Comprehensive school and community treatment program --**
20 **rulemaking authority.** The department shall adopt rules to carry out the comprehensive school and community
21 treatment program, including but not limited to rules for:

22 (1) the roles of the provider and school in referral, enrollment, and discharge procedures and in the
23 provision of services;

24 (2) procedures for obtaining an endorsement to offer services pursuant to [sections 1 through 5];

25 (3) program staffing levels;

26 (4) training requirements for program staff;

27 (5) billing procedures, including allowable services and maximum billing units;

28 (6) the level of program services available to youth with serious emotional disturbance and to youth who
29 do not meet the serious emotional disturbance criteria;

30 (7) recordkeeping requirements for providers and schools; and

1 (8) other rules as needed to carry out the provisions of [sections 1 through 5].

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3 **NEW SECTION. Section 6. Codification instruction.** [Sections 1 through 5] are intended to be codified
4 as an integral part of Title 53, chapter 21, part 5, and the provisions of Title 53, chapter 21, part 5, apply to
5 [sections 1 through 5].

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7 **NEW SECTION. Section 7. Effective date.** [This act] is effective July 1, 2017.

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