



AN ACT REVISING LAWS RELATING TO THE CONTINUUM OF CARE FOR PEOPLE WITH DEVELOPMENTAL DISABILITIES; AUTHORIZING THE CONTINUED USE OF A 12-BED SECURE FACILITY AS A COMPONENT OF THE CONTINUUM OF CARE; EXTENDING THE CLOSURE DATE FOR THE MONTANA DEVELOPMENTAL CENTER; PROVIDING A CAP ON THE CENSUS AT THE MONTANA DEVELOPMENTAL CENTER; PROVIDING DIRECTION TO THE DEPARTMENT; PROVIDING DEFINITIONS; PROVIDING RULEMAKING AUTHORITY; PROVIDING AN APPROPRIATION; AMENDING SECTION 53-20-126, MCA; AMENDING SECTIONS 1 AND 3, CHAPTER 444, LAWS OF 2015; REPEALING SECTION 2, CHAPTER 444, LAWS OF 2015; AND PROVIDING EFFECTIVE DATES.

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

Section 1. Definitions. As used in this part, the following definitions apply:

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

Section 2. Intensive behavior center limitations. (1) There is a state-operated 12-bed intensive behavior center for individuals with a developmental disability who are in need of intensive treatment because of continuous or repeated behaviors that pose an imminent risk of serious harm to self or others.

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

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

(3) The center may serve only individuals for whom the department has asked a county attorney to file a petition alleging the individual is in need of the services and secure setting of the center and requesting that the individual be committed to the center for services. The initial period of commitment to the center may not

exceed 90 days. If recommitment is sought pursuant to 53-20-128, each subsequent recommitment period may not exceed 90 days.

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

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

Section 5. Section 53-20-126, MCA, is amended to read:

"53-20-126. Maximum period of commitment or treatment plan. The court order approving the commitment to a residential facility or the imposition of the community treatment plan must specify the maximum period of time for which the person is committed or for which a community treatment plan is imposed. ~~The~~ Except as provided in [section 2] for an individual committed to the intensive behavior center, the maximum period may not exceed 90 days for commitment to a residential facility or 1 year for the imposition of a community treatment plan."

Section 6. Section 1, Chapter 444, Laws of 2015, is amended to read:

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

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

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

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

health and human services to:

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

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

(3) cap the census at the Montana developmental center at 24 residents and continue to transition residents out of the Montana developmental center and into community-based services. As part of this transition, the legislature intends for the department of public health and human services to:

(a) actively pursue the timely discharge of Montana developmental center residents into community-based services;

(b) work with community providers to develop necessary services; and

(c) cap the census at the intensive behavior center provided for in [section 2] at 12 residents after June 30, 2019."

Section 7. Section 3, Chapter 444, Laws of 2015, is amended to read:

"Section 3. Transition planning -- department Department of public health and human services responsibilities -- rulemaking. The department of public health and human services shall:

~~— (1) provide members of the transition planning committee with necessary information and staff support to carry out the committee's duties;~~

~~— (2) implement a plan for the closure of the Montana developmental center based on recommendations from the transition planning committee; and~~

~~— (3) designate by rule the criteria that a community-based service must meet to be designated as a residential facility."~~

Section 8. Direction to department of public health and human services concerning closure of Montana developmental center. The legislature directs the department of public health and human services to:

(1) use the assessment and stabilization unit at the Montana developmental center campus as the intensive behavior center provided for in [section 2];

(2) continue to actively discharge individuals from the Montana developmental center during the

biennium beginning July 1, 2017; and

(3) close the Montana developmental center on or before June 30, 2019. The department is authorized to use two of the cottages located on the campus of the Montana developmental center for residential purposes until June 30, 2018, and is authorized to use one cottage for residential purposes until June 30, 2019.

Section 9. Repealer. Section 2, Chapter 444, Laws of 2015, is repealed.

Section 10. Appropriation. There is appropriated \$500,000 from the general fund to the department of public health and human services for the fiscal year beginning July 1, 2017, for a Boulder development fund to be administered by the director of the department.

Section 11. Codification instruction. [Sections 1 through 4] are intended to be codified as an integral part of Title 53, chapter 20, and the provisions of Title 53, chapter 20, apply to [sections 1 through 4].

Section 12. Effective date. (1) Except as provided in subsection (2), [this act] is effective on passage and approval.

(2) [Section 10] is effective July 1, 2017.

- END -

I hereby certify that the within bill,
HB 0387, originated in the House.

Speaker of the House

Signed this _____ day
of _____, 2017.

Chief Clerk of the House

President of the Senate

Signed this _____ day
of _____, 2017.

HOUSE BILL NO. 387

INTRODUCED BY K. WAGONER, E. MCCLAFFERTY

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