

HOUSE BILL NO. 257

INTRODUCED BY E. HILL SMITH

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE DISCHARGE PLAN FOR A PATIENT ADMITTED TO THE MONTANA STATE HOSPITAL TO ADDRESS THE PATIENT'S HOUSING NEEDS UPON DISCHARGE; PROHIBITING DISCHARGE TO A HOMELESS SITUATION; AND AMENDING SECTIONS 53-21-601, 53-21-1002, AND 53-21-1006, MCA."

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

Section 1. Section 53-21-601, MCA, is amended to read:

"53-21-601. Location and primary function of hospital. (1) The facility providing mental health care services at Warm Springs, Montana, is the Montana state hospital and as its primary function provides care and treatment of mentally ill persons.

(2) (a) The Montana state hospital is a mental health facility, as defined in 53-21-102, of the department of public health and human services for the care and treatment of mentally ill persons.

(b) The role of the Montana state hospital is to provide intensive inpatient psychiatric services, including those services necessary for transition to community care, as components in a comprehensive continuum of publicly and privately provided programs that emphasize treatment in the least restrictive environment.

(c) The mission of the Montana state hospital is to stabilize persons with severe mental illness and to return them to the community as soon as possible if adequate community-based support services are available.

(3) The department shall adopt rules to manage the state hospital patient population in a manner that will ensure emergency access to services, protect public and individual safety, provide active treatment, implement effective discharge planning, and ensure access to appropriate community-based services.

(4) (a) The discharge plan for a person admitted to the Montana state hospital may not allow for the discharge of the person directly into a homeless shelter or to a location that is outdoors or outside of a building. The Montana state hospital shall ensure that its compliance with this requirement does not delay a person's discharge.

(b) A discharge plan that provides for discharge into a temporary housing situation must include information on the resources available to assist the person in finding permanent housing."

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2 **Section 2.** Section 53-21-1002, MCA, is amended to read:

3 **"53-21-1002. Duties of department.** The department:

4 (1) shall take cognizance of matters affecting the mental health of the citizens of the state;

5 (2) shall initiate mental health care and treatment, prevention, and research as can best be accomplished
6 by community-centered services. The department shall initiate and operate services in cooperation with local
7 agencies, service area authorities, mental health professionals, and other entities providing services to persons
8 with mental illness.

9 (3) shall specifically address:

10 (a) provider contracting;

11 (b) service planning;

12 (c) preadmission screening and discharge planning;

13 (d) quality management;

14 (e) utilization management and review;

15 (f) consumer and family education; and

16 (g) rights protection;

17 (4) shall collect and disseminate information relating to mental health;

18 (5) shall prepare and maintain a comprehensive plan to develop public mental health services in the state
19 and to establish service areas;

20 (6) must receive from agencies of the United States and other state agencies, persons or groups of
21 persons, associations, firms, or corporations grants of money, receipts from fees, gifts, supplies, materials, and
22 contributions for the development of mental health services within the state;

23 (7) shall establish qualified provider certification standards by rule, which may include requirements for
24 national accreditation for mental health programs that receive funds from the department;

25 (8) shall perform an annual review and evaluation of mental health needs and services within the state
26 by region, including housing needs and options for patients discharged from the Montana state hospital; ~~and~~

27 (9) shall evaluate the performance of programs that receive funds from the department for compliance
28 with federal and state standards;

29 ~~(9)~~(10) shall coordinate state and community resources to ensure comprehensive delivery of services
30 to children with emotional disturbances, as provided in Title 52, chapter 2, part 3, and submit at least a biennial

1 report to the governor and the legislature concerning the activities and recommendations of the department and
2 service providers; and

3 ~~(10)~~(11) shall coordinate the establishment of service area authorities, as provided in 53-21-1006, to
4 collaborate with the department in the planning and oversight of mental health services in a service area."

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6 **Section 3.** Section 53-21-1006, MCA, is amended to read:

7 **"53-21-1006. Service area authorities -- leadership committees -- boards -- plans.** (1) In the
8 development of a service area authority, public meetings must be held in communities throughout a service area
9 as defined by the department by rule. The purpose of the meetings is to assist the department to establish a
10 stakeholder leadership committee. The meetings must be designed to solicit input from consumers of services
11 for persons with mental illness, advocates, family members of persons with mental illness, mental health
12 professionals, county commissioners, and other interested community members.

13 (2) The leadership committee within each service area must include but is not limited to a significant
14 portion of consumers of services for persons with mental illness, family members of persons with mental illness,
15 and a mental health services provider. The department shall provide assistance for the development of a
16 leadership committee. The department shall approve a leadership committee within each service area.

17 (3) The leadership committee within each service area shall establish a service area authority board and
18 create bylaws that describe the board's functions and method of appointment. The bylaws must be submitted to
19 the department for review. The majority of the members of the board must be consumers of mental health
20 services and family members of consumers.

21 (4) The service area authority board must be established under Title 35, chapter 2. Nonprofit
22 corporations incorporated for the purposes of this part may not be considered agencies of the department or the
23 state of Montana.

24 (5) A service area authority board:

25 (a) shall collaborate with the department for purposes of planning and oversight of mental health services
26 of the service area, including:

27 (i) provider contracting;

28 (ii) quality and outcome management;

29 (iii) service planning;

30 (iv) utilization management and review;

1 (v) preadmission screening and discharge planning;

2 (vi) consumer advocacy and family education and rights protection;

3 (vii) infrastructure;

4 (viii) information requirements; and

5 (ix) procurement processes;

6 (b) shall review and monitor crisis intervention programs established pursuant to 53-21-1202;

7 (c) shall submit a biennial review and evaluation of mental health service needs and services within the
8 service area, including housing needs and options for patients discharged from the Montana state hospital;

9 (d) shall keep all records of the board and make reports required by the department;

10 (e) may enter into contracts with the department for purposes of planning and oversight of the service
11 area if the department certifies that the service area authority is capable of assuming the duty;

12 (f) may receive and shall administer funding available for the provision of mental health services,
13 including grants from the United States government and other agencies, receipts for established fees rendered,
14 taxes, gifts, donations, and other types of support or income. All funds received by the board must be used to
15 carry out the purposes of this part.

16 (g) may reimburse board members for actual and necessary expenses incurred in attending meetings
17 and in the discharge of board duties as assigned by the board;

18 (h) shall either include a county commissioner or work closely with county commissioners in the service
19 area; and

20 (i) shall take into consideration the policies, plans, and budget developed by the children's system of care
21 planning committee provided for in 52-2-303.

22 (6) A service area authority may not directly provide mental health services."

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