

HOUSE BILL NO. 328

INTRODUCED BY R. EHLE

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A BILL FOR AN ACT ENTITLED: "AN ACT REVISING MENTAL HEALTH CRISIS INTERVENTION AND JAIL DIVERSION GRANT PROCEDURES; ESTABLISHING PRIORITY FOR AWARDING OF GRANT FUNDS; ALLOWING TRIBAL GOVERNMENTS TO APPLY FOR GRANTS; ALLOWING FOR BIENNIAL GRANTS; AMENDING ~~SECTION~~ SECTIONS 53-21-1202, 53-21-1203, AND 53-21-1204, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

**SECTION 1. SECTION 53-21-1202, MCA, IS AMENDED TO READ:**

**"53-21-1202. Crisis intervention programs -- rulemaking authority.** (1) The department shall, subject to available appropriations for the purposes of this part, establish crisis intervention programs. The programs must be designed to provide 24-hour emergency admission and care of persons suffering from a mental disorder and requiring commitment in a temporary, safe environment in the community as an alternative to placement in jail.

(2) The department shall provide information and technical assistance regarding needed services and assist counties and federally recognized tribal governments in developing ~~county~~ plans for crisis intervention services and for the provision of alternatives to jail placement.

(3) The department may provide crisis intervention programs as:

- (a) a rehabilitative service under 53-6-101(4)(j); and
- (b) a targeted case management service authorized in 53-6-101(4)(n).

(4) The department shall adopt rules to:

- (a) implement the grant program provided for in 53-21-1203;
- (b) contract for detention beds pursuant to 53-21-1204; and
- (c) pay for short-term inpatient treatment that is provided pursuant to 53-21-1205."

**Section 2. Section 53-21-1203, MCA, is amended to read:**

**"53-21-1203. State matching fund grants for county AND TRIBAL GOVERNMENT crisis intervention, jail diversion, precommitment, and short-term inpatient treatment costs.** (1) As soon as possible after July

1 1 of each ~~year~~ new biennium, from funds appropriated by the legislature for the purposes of this section, the  
 2 department shall grant to each eligible county OR FEDERALLY RECOGNIZED TRIBAL GOVERNMENT state matching  
 3 funds for:

4 (a) jail diversion and crisis intervention services to implement 53-21-1201 and 53-21-1202;

5 (b) insurance coverage against catastrophic precommitment costs if a county insurance pool is  
 6 established pursuant to 2-9-211; and

7 (c) short-term inpatient treatment.

8 (2) Grant amounts must be based on available funding and the prospects that a ~~county or multicounty~~  
 9 plan submitted pursuant to subsection (3) will, if implemented, reduce admissions to the state hospital for  
 10 emergency and court-ordered detention and evaluation and ultimately result in cost savings to the state. The  
 11 department shall develop a sliding scale for state grants based upon the historical ~~county~~ use of the state hospital  
 12 with a high-use ~~county~~ APPLICANT receiving a lower percentage of matching funds. The sliding scale must be  
 13 based upon the number of admissions by ~~county~~ APPLICANT REGION compared to total admissions and upon the  
 14 population of ~~each county~~ OF THE APPLICANT REGION compared to the state population.

15 (3) In order to be eligible for the state matching funds, a county OR FEDERALLY RECOGNIZED TRIBAL  
 16 GOVERNMENT shall, in the time and manner prescribed by the department:

17 (a) apply for the funds and include in the grant application a detailed plan for how the ~~county~~ APPLICANT  
 18 and other local entities will collaborate and commit local funds for the mental health services listed in subsection  
 19 (1);

20 (b) develop and submit to the department a ~~county or multicounty~~ TRIBAL, OR REGIONAL jail diversion and  
 21 crisis intervention services strategic plan pursuant to 53-21-1201 and 53-21-1202, including a plan for  
 22 community-based or regional emergency and court-ordered detention and examination services and short-term  
 23 inpatient treatment;

24 (c) participate in a statewide or regional county insurance plan for precommitment costs under 53-21-132  
 25 if a statewide or regional insurance plan has been established as authorized under 2-9-211;

26 (d) participate in a statewide or regional jail suicide prevention program if one has been established by  
 27 the department for the state or for the region in which the ~~county~~ APPLICANT is situated; and

28 (e) collect and report data and information on ~~county~~ jail diversion, crisis intervention, and short-term  
 29 inpatient treatment services in the form and manner prescribed by the department to support program evaluation  
 30 and measure progress on performance goals.

1 (4) (a) ~~For the biennium beginning July 1, 2015, money~~ Money appropriated for the purposes of this  
 2 section ~~that exceeds the amount appropriated for this purpose in fiscal year 2015~~ must be used in the following  
 3 order to:

- 4 (i) create crisis intervention or jail diversion services in areas of the state that currently lack services;  
 5 (ii) provide new crisis intervention or jail diversion services in areas of the state that have received state  
 6 matching funds pursuant to this section for other purposes; or  
 7 (iii) recognize an increase in the demand for or use of services that have received funding in previous  
 8 years.

9 (b) ~~For the biennium beginning July 1, 2015, the~~ The IF MONEY FROM THE APPROPRIATION REMAINS AFTER  
 10 GRANTS HAVE BEEN ALLOCATED AS PROVIDED IN SUBSECTION (4)(A), THE department shall, ~~at a minimum, maintain~~  
 11 ~~the level of state matching funds provided to counties that received matching funds in fiscal year 2015~~ the  
 12 previous biennium if the counties request PROVIDE CONTINUED SUPPORT OF PROJECTS FUNDED IN THE PREVIOUS  
 13 BIENNIUM WITH STATE MATCHING FUND GRANTS IF A COUNTY OR TRIBAL GOVERNMENT REQUESTS continued funding of  
 14 the services created or provided through use of the matching funds. ~~If a county requests additional matching~~  
 15 ~~funds for continued funding of services provided through use of matching funds in previous years, the department~~  
 16 ~~shall consider whether the service is experiencing increased demand or use as provided in subsection (4)(a)(iii)~~  
 17 ~~and is eligible for increased funding.~~ THE DEPARTMENT SHALL ALLOCATE FUNDS PROVIDED PURSUANT TO THIS  
 18 SUBSECTION (4)(B) ACCORDING TO A FORMULA ADOPTED BY THE DEPARTMENT BY RULE."

19  
 20 **SECTION 3. SECTION 53-21-1204, MCA, IS AMENDED TO READ:**

21 **"53-21-1204. Department to contract for detention beds .** (1) To the extent funding is appropriated  
 22 for the purposes of this section, for each service area, as defined in 53-21-1001, the department shall contract  
 23 with a mental health facility for psychiatric treatment beds that may be used for:

- 24 (a) inpatient crisis intervention services needed prior to an involuntary commitment petition being filed;  
 25 and  
 26 (b) emergency detention under 53-21-129 and court-ordered detention under 53-21-124 after an  
 27 involuntary commitment petition has been filed but before final disposition.

28 (2) Contracting pursuant to this section must take into consideration ~~county~~ strategic plans developed  
 29 pursuant to 53-21-1201 and 53-21-1202 and local need for precommitment and short-term inpatient treatment  
 30 services.

1           (3) Each contract must provide that for payment of costs for detention, evaluation, and treatment  
2 pursuant to subsection (1), the facility shall bill for payment of costs in the order of priority provided for under  
3 53-21-132(2)(a).

4           (4) Each contract must require the collection and reporting of fiscal and program data in the time and  
5 manner prescribed by the department to support program evaluation and measure progress on performance  
6 objectives. The department shall establish baseline data on emergency and court-ordered detention admissions  
7 to the state hospital from each county and analyze the effect of contracting under this section on state hospital  
8 admissions."

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10           NEW SECTION. **Section 4. Effective date.** [This act] is effective July 1, 2017.

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