

## HOUSE BILL NO. 458

INTRODUCED BY K. WAGONER

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING MONITORING OF MONTANA DEVELOPMENTAL  
5 CENTER RESIDENTS, INCLUDING THOSE WHO HAVE TRANSITIONED OUT OF THE FACILITY AS  
6 REQUIRED UNDER SENATE BILL NO. 411 OF 2015; PROVIDING RULEMAKING AUTHORITY; AMENDING  
7 SECTION 53-20-203, MCA; AND PROVIDING AN APPLICABILITY DATE."

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

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11 NEW SECTION. Section 1. Legislative findings -- purpose. (1) The legislature finds that the Montana  
12 developmental center has served as a placement of last resort for seriously developmentally disabled individuals,  
13 many of whom have co-occurring mental health conditions.

14 (2) The legislature further finds that as the department has been carrying out the process of closing the  
15 Montana developmental center pursuant to Chapter 444, Laws of 2015, family members of Montana  
16 developmental center residents, community service providers, and community members have expressed concern  
17 that community facilities may not be equipped to provide appropriate care and treatment for some of the  
18 residents.

19 (3) The legislature further finds that family members have expressed concern that their developmentally  
20 disabled relatives may not maintain the progress they have made in treatment at the Montana developmental  
21 center as they move to new and unfamiliar settings.

22 (4) It is the intent of the legislature that the department monitor the skills, abilities, and behaviors of  
23 Montana developmental center residents ~~who have been~~ WHILE THEY ARE in the care and custody of the state AND  
24 as they transition to the community in order to ensure that the individuals remain safe, maintain or improve their  
25 skills and abilities, and find a home that provides the most appropriate services in the least restrictive setting  
26 possible.

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28 NEW SECTION. Section 2. Department monitoring of ~~transition to community~~ MONTANA  
29 DEVELOPMENTAL CENTER RESIDENTS -- report to legislature. (1) The department shall monitor:

30 (A) individuals released from the Montana developmental center and placed in a community home as

1 defined in 53-20-302 for 2 years after placement in a community home; AND

2 (B) FOR THE DURATION OF THEIR RESIDENCY, INDIVIDUALS WHO ARE ADMITTED TO AND RESIDING AT THE  
3 MONTANA DEVELOPMENTAL CENTER.

4 (2) The department shall evaluate on a quarterly basis behaviors in the following areas to determine  
5 whether the skills, abilities, and behaviors of an individual subject to this section have improved, diminished, or  
6 remained unchanged:

7 (a) verbal or nonverbal communication, as appropriate for the individual;

8 (b) activities of daily living;

9 (d) emotional well-being;

10 (e) physical aggression; and

11 (f) sexually inappropriate behaviors.

12 (3) The department shall report ON THE RESULTS OF THE MONITORING:

13 (A) AT LEAST QUARTERLY TO FAMILY MEMBERS AND GUARDIANS OF THE INDIVIDUALS IF THE FAMILY MEMBERS  
14 AND GUARDIANS ARE AUTHORIZED TO RECEIVE HEALTH CARE INFORMATION; AND

15 (B) annually to the children, families, health, and human services interim committee ~~on the results of the~~  
16 monitoring. The report TO THE INTERIM COMMITTEE may provide information only in an aggregate form and may  
17 not contain any individually identifying information.

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19 **Section 3.** Section 53-20-203, MCA, is amended to read:

20 **"53-20-203. Responsibilities of department.** The department shall:

21 (1) take cognizance of matters affecting the citizens of the state who are persons with developmental  
22 disabilities;

23 (2) initiate a preventive developmental disabilities program that must include but not be limited to the  
24 implementation of developmental disabilities care, treatment, prevention, and research as can best be  
25 accomplished by community-centered services. Every means must be used to initiate and operate the service  
26 program in cooperation with local agencies under the provisions of 53-20-205.

27 (3) collect and disseminate information relating to developmental disabilities;

28 (4) prepare an annual comprehensive plan for the initiation and maintenance of developmental  
29 disabilities services in the state. The services must include but not be limited to community comprehensive  
30 developmental disabilities services as referred to in 53-20-202.

- 1 (5) provide by rule for the evaluation of:
- 2 (a) persons who apply for services ~~or~~;
- 3 (b) persons admitted into a program at a developmental disability facility; and
- 4 (c) persons RESIDING AT OR released from the Montana developmental center into a community home
- 5 pursuant to, IN ACCORDANCE WITH the requirements established in [section 2];
- 6 (6) receive from agencies of the government of the United States and other agencies, persons or groups
- 7 of persons, associations, firms, or corporations grants of money, receipts from fees, gifts, supplies, materials, and
- 8 contributions to initiate and maintain developmental disabilities services within the state;
- 9 (7) require that habilitation plans be developed, implemented, and continuously maintained for all
- 10 persons with developmental disabilities who are served through a community-based program funded by the state;
- 11 and
- 12 (8) use funds available for cases in which special medical or material assistance is necessary to
- 13 rehabilitate children with developmental disabilities or children with physical disabilities if the assistance is not
- 14 otherwise provided for by law."

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16 **NEW SECTION. Section 4. Codification instruction.** [Sections 1 and 2] are intended to be codified

17 as an integral part of Title 53, chapter 20, part 2, and the provisions of Title 53, chapter 20, part 2, apply to

18 [sections 1 and 2].

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20 **NEW SECTION. Section 5. Applicability.** (1) [This act] applies to individuals who ARE ADMITTED INTO

21 OR RESIDING AT THE MONTANA DEVELOPMENTAL CENTER ON OR AFTER OCTOBER 1, 2017, OR were released from the

22 Montana developmental center on or after May 6, 2015, and placed in a community home as defined in

23 53-20-302.

24 (2) The 2-year time period for monitoring OF INDIVIDUALS RELEASED FROM THE MONTANA DEVELOPMENTAL

25 CENTER INTO A COMMUNITY HOME begins:

- 26 (a) on October 1, 2017, for individuals who were released from the Montana developmental center on
- 27 or before October 1, 2017; and
- 28 (b) for individuals released after October 1, 2017, on the date of an individual's release from the Montana
- 29 developmental center.

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