

SENATE BILL NO. 271

INTRODUCED BY F. THOMAS, M. BLASDEL, M. CAFERRO, R. EHLI, W. GALT, B. KEENAN

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATING TO THE CLOSURE OF THE

5 MONTANA DEVELOPMENTAL CENTER; AUTHORIZING THE DEPARTMENT OF PUBLIC HEALTH AND

6 HUMAN SERVICES TO ESTABLISH A 12-BED INTENSIVE BEHAVIOR CENTER AS A COMPONENT OF THE

7 CONTINUUM OF CARE; EXTENDING THE CLOSURE DATE BY WHICH FOR THE MONTANA

8 DEVELOPMENTAL CENTER MUST BE CLOSED; PROVIDING DEFINITIONS; PROVIDING RULEMAKING

9 AUTHORITY; PROVIDING AN APPROPRIATION; EXTENDING THE DATE BY WHICH COURTS MAY NO

10 LONGER COMMIT INDIVIDUALS TO THE MONTANA DEVELOPMENTAL CENTER; ELIMINATING THE

11 TRANSITION PLANNING COMMITTEE; PROVIDING A CAP ON THE CENSUS AT THE MONTANA

12 DEVELOPMENTAL CENTER; DIRECTING THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES

13 TO SEEK AN AMENDMENT TO THE MEDICAID HOME AND COMMUNITY-BASED SERVICES 0208 WAIVER

14 FOR INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES; AMENDING SECTIONS 53-20-125 AND

15 53-20-129, MCA; AMENDING SECTION 1, CHAPTER 444, LAWS OF 2015, AND SECTION 3, CHAPTER 444,

16 LAWS OF 2015; REPEALING SECTION 2, CHAPTER 444, LAWS OF 2015; AND PROVIDING AN IMMEDIATE

17 EFFECTIVE DATE EFFECTIVE DATES."

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19 WHEREAS, the process to close the Montana Developmental Center has been very successful but is

20 not yet finished; and

21 WHEREAS, a key issue that has slowed the appropriate placement of Montana Developmental Center

22 residents into the community is the difficulty in accessing all of the funding allotted to the residents for their

23 placements; and

24 WHEREAS, the reason that all of the funding cannot be accessed is because of problems with the

25 Medicaid home and community-based services 0208 waiver for individuals with developmental disabilities;

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

(Refer to Third Reading, Blue Bill)

Strike everything after the enacting clause and insert:

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1 **NEW SECTION. Section 1. Definitions.** As used in [sections 1 through 4], the following definitions
 2 apply:

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

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 7 **NEW SECTION. Section 2. Intensive behavior center -- limitations.** (1) The department shall
 8 establish a 12-bed intensive behavior center as a new service for individuals with a developmental disability who
 9 are in need of intensive treatment because of continuous or repeated behaviors that pose an imminent risk of
 10 serious harm to self or others.

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

- 13 (a) address the behavioral issues of each resident; and
 14 (b) foster for each resident the transition to and residency in less restrictive service settings.
 15 (3) The center may serve only individuals for whom the department has asked a county attorney to file
 16 a petition alleging the individual is in need of the services and secure setting of the center and requesting that
 17 the individual be committed to the center for services through imposition of a community treatment plan as
 18 provided in 53-20-121.

19
 20 **NEW SECTION. Section 3. Licensing.** The intensive behavior center operated pursuant to [sections
 21 1 through 4] must be licensed as an intermediate care facility for the developmentally disabled in accordance with
 22 50-5-238.

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

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 27 **Section 5.** Section 1, Chapter 444, Laws of 2015, is amended to read:

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

1 purpose, the legislature directs the department of public health and human services to:

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

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

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

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

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

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14 NEW SECTION. SECTION 6. APPROPRIATION. THERE IS APPROPRIATED \$500,000 FROM THE GENERAL FUND
15 TO THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES FOR THE FISCAL YEAR BEGINNING JULY 1, 2017, FOR A
16 BOULDER DEVELOPMENT FUND TO BE ADMINISTERED BY THE DIRECTOR OF THE DEPARTMENT.

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18 NEW SECTION. Section 7. Direction to the department of public health and human services
19 concerning closure of Montana developmental center. The legislature directs the department of public health
20 and human services to continue to actively discharge individuals from the Montana developmental center during
21 the biennium beginning July 1, 2017, and to close the Montana developmental center on or before June 30, 2019.

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23 NEW SECTION. Section 8. Codification instruction. [Sections 1 through 4] are intended to be codified
24 as an integral part of Title 53, chapter 20, and the provisions of Title 53, chapter 20, apply to [sections 1 through
25 4].

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27 NEW SECTION. Section 9. Effective date DATES. [This act] (1) EXCEPT AS PROVIDED IN SUBSECTION (2),
28 [THIS ACT] is effective on passage and approval.

29 (2) [SECTION 6] IS EFFECTIVE JULY 1, 2017.

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