66th Legislature

1	HOUSE BILL NO. 103
2	INTRODUCED BY G. PIERSON
3	BY REQUEST OF THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES
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5	A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING CERTAIN MEDICAL PROFESSIONALS TO
6	CONFIRM THE CHEMICAL DEPENDENCY OF AN APPLICANT FOR ADMISSION AS A MEDICALLY
7	MONITORED OR MANAGED INPATIENT AT AN APPROVED TREATMENT FACILITY; EXTENDING EXISTING
8	RULEMAKING AUTHORITY; AND AMENDING SECTION 53-24-301, MCA."
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10	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
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12	Section 1. Section 53-24-301, MCA, is amended to read:
13	"53-24-301. Treatment of the chemically dependent. (1) An applicant for voluntary admission or
14	court-referred admission to an approved public or private treatment facility shall obtain confirmation from a
15	physician, a physician assistant, an advanced practice registered nurse, or a licensed addiction counselor that
16	the applicant is chemically dependent and appropriate for <u>medically monitored or managed</u> inpatient , freestanding
17	care as described in the department's administrative rules. A physician assistant or advanced practice registered
18	nurse must have chemical dependency training in order to provide confirmation of chemical dependency.
19	(2) The department shall adopt rules to establish policies and procedures governing assessment, patient
20	placement, confirmation, and admission to an approved public <u>or private</u> treatment facility. If the proposed patient
21	is a minor or an incompetent person, the proposed patient , <u>or</u> a parent, legal guardian, or other legal
22	representative may make the application.
23	(2)(3) Subject to rules adopted by the department, the administrator of an approved public treatment
24	facility may determine who is admitted for treatment. If a person is refused admission to an approved public
25	treatment facility, the administrator, subject to departmental rules, shall refer the person to an approved private
26	treatment facility for treatment if possible and appropriate.
27	(3)(4) If a patient receiving inpatient care leaves an approved public treatment facility, the patient must
28	be encouraged to consent to appropriate outpatient or intermediate treatment. If it appears to the administrator
29	of the treatment facility that the patient is chemically dependent and requires help, the department shall arrange
30	for assistance in obtaining supportive services and residential facilities.
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1 (4)(5) If a patient leaves an approved public treatment facility, with or against the advice of the 2 administrator of the facility, the department shall make reasonable provisions for the patient's transportation to 3 another facility or to the patient's home. If the patient has no home, the patient must be assisted in obtaining 4 shelter. If the patient is a minor or an incompetent person, the request for discharge from an inpatient facility must 5 be made by a parent, legal guardian, or other legal representative or by the minor or incompetent, if the minor 6 or incompetent person was the original applicant."

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