

HOUSE BILL NO. 103

INTRODUCED BY G. PIERSON

BY REQUEST OF THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES

A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING CERTAIN MEDICAL PROFESSIONALS TO CONFIRM THE CHEMICAL DEPENDENCY OF AN APPLICANT FOR ADMISSION AS A MEDICALLY MONITORED OR MANAGED INPATIENT AT AN APPROVED TREATMENT FACILITY; EXTENDING EXISTING RULEMAKING AUTHORITY; AND AMENDING SECTION 53-24-301, MCA."

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

Section 1. Section 53-24-301, MCA, is amended to read:

"53-24-301. Treatment of the chemically dependent. (1) An applicant for voluntary admission or court-referred admission to an approved public or private treatment facility shall obtain confirmation from a physician, a physician assistant, an advanced practice registered nurse, or a licensed addiction counselor that the applicant is chemically dependent and appropriate for medically monitored or managed inpatient, freestanding care as described in the department's administrative rules. A physician assistant or advanced practice registered nurse must have chemical dependency training in order to provide confirmation of chemical dependency. ANY

OF THE FOLLOWING HEALTH CARE PROFESSIONALS LICENSED UNDER TITLE 37 MAY PROVIDE THE CONFIRMATION REQUIRED UNDER THIS SECTION:

- (A) A PHYSICIAN;
- (B) A NATUROPATHIC PHYSICIAN;
- (C) A PHYSICIAN ASSISTANT;
- (D) AN ADVANCED PRACTICE REGISTERED NURSE; OR
- (E) A LICENSED ADDICTION COUNSELOR.

(2) The department shall adopt rules to establish policies and procedures governing assessment, patient placement, confirmation, and admission to an approved public or private treatment facility. If the proposed patient is a minor or an incompetent person, the proposed patient; or a parent, legal guardian, or other legal representative may make the application.

(2)(3) Subject to rules adopted by the department, the administrator of an approved public treatment



1 facility may determine who is admitted for treatment. If a person is refused admission to an approved public  
2 treatment facility, the administrator, subject to departmental rules, shall refer the person to an approved private  
3 treatment facility for treatment if possible and appropriate.

4 ~~(3)~~(4) If a patient receiving inpatient care leaves an approved public treatment facility, the patient must  
5 be encouraged to consent to appropriate outpatient or intermediate treatment. If it appears to the administrator  
6 of the treatment facility that the patient is chemically dependent and requires help, the department shall arrange  
7 for assistance in obtaining supportive services and residential facilities.

8 (4)(5) If a patient leaves an approved public treatment facility, with or against the advice of the  
9 administrator of the facility, the department shall make reasonable provisions for the patient's transportation to  
10 another facility or to the patient's home. If the patient has no home, the patient must be assisted in obtaining  
11 shelter. If the patient is a minor or an incompetent person, the request for discharge from an inpatient facility must  
12 be made by a parent, legal guardian, or other legal representative or by the minor or incompetent, if the minor  
13 or incompetent person was the original applicant."

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