

SENATE BILL NO. 5

INTRODUCED BY D. SANDS

BY REQUEST OF THE CHILDREN, FAMILIES, HEALTH, AND HUMAN SERVICES INTERIM COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES TO REVIEW RULES, POLICIES, AND PROCEDURES RELATED TO COMMUNITY DEVELOPMENTAL DISABILITIES SERVICES FOR COST EFFECTIVENESS; REQUIRING THE DEPARTMENT TO ELIMINATE RULES THAT ARE DUPLICATIVE OR NOT COST-EFFECTIVE; ~~AND~~ AMENDING SECTION 53-20-203, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

NEW SECTION. **Section 1. Regulatory streamlining.** (1) The department's division responsible for

administering the comprehensive developmental disability system shall work with providers of community developmental disability services to identify areas in which the department's administrative rules, policies, or procedures related to the system:

- (a) duplicate federal regulations;
- (b) duplicate or contradict rules or policies established for the system by other department divisions;
- (c) are applied inconsistently across the designated developmental disabilities regions or by department staff and contractors; or
- (d) create the potential for waste of resources.

(2) Based on the areas identified pursuant to subsection (1), the department shall review the related administrative rules, policies, and procedures to:

- (A) DETERMINE THE ONGOING REASONABLE NECESSITY PURSUANT TO 2-4-305;
- ~~(a)~~(B) determine the costs and benefits to providers of community services and to the state of continuing each rule, policy, or procedure;
- ~~(b)~~(C) eliminate rules, policies, or procedures that are determined to be not cost-effective;
- ~~(c)~~(D) eliminate duplication in oversight and monitoring requirements; and
- ~~(d)~~(E) create consistency in the application of a rule, policy, or procedure, if necessary.

(3) The department shall develop a written plan that:



1 (a) outlines the process and deadline for completing the initial review of the rules, policies, and  
2 procedures; and

3 (b) establishes a process and timeline for an ongoing review, in conjunction with providers, that will  
4 continue to identify and correct areas of duplication, inconsistency, or waste.

5 (4) The department shall include other interested parties in the review required under this section.  
6

7 **Section 2.** Section 53-20-203, MCA, is amended to read:

8 **"53-20-203. Responsibilities of department.** The department shall:

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

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

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

16 (4) prepare an annual comprehensive plan for the initiation and maintenance of developmental  
17 disabilities services in the state. The services must include but not be limited to community comprehensive  
18 developmental disabilities services as ~~referred to~~ listed in 53-20-202(1).

19 (5) provide by rule for the evaluation of:

20 (a) persons who apply for services;

21 (b) persons admitted into a program at a developmental disability facility; and

22 (c) persons residing at or released from the Montana developmental center into a community home, in  
23 accordance with the requirements established in 53-20-225;

24 (6) carry out the review of administrative rules, policies, and procedures provided for in [section 1] and  
25 take the steps necessary to eliminate or change a rule, policy, or procedure found by the review to be  
26 unnecessary, duplicative, or in need of revision, including applying for any amendments to Medicaid MEDICAID  
27 waivers;

28 ~~(6)~~(7) receive from agencies of the government of the United States and other agencies, persons or  
29 groups of persons, associations, firms, or corporations grants of money, receipts from fees, gifts, supplies,  
30 materials, and contributions to initiate and maintain developmental disabilities services within the state;

1           ~~(7)~~(8) require that habilitation plans be developed, implemented, and continuously maintained for all  
2 persons with developmental disabilities who are served through a community-based program funded by the state;  
3 and

4           ~~(8)~~(9) use funds available for cases in which special medical or material assistance is necessary to  
5 rehabilitate children with developmental disabilities or children with physical disabilities if the assistance is not  
6 otherwise provided for by law."  
7

8           NEW SECTION. Section 3. Direction to department of public health and human services. (1) The  
9 department of public health and human services shall complete the plan required under [section 1(3)] by January  
10 1, 2020. The department shall provide a copy of the draft plan to the children, families, health, and human  
11 services interim committee for review and comment no later than November 1, 2019.  
12

13           NEW SECTION. Section 4. Codification instruction. [Section 1] is intended to be codified as an  
14 integral part of Title 53, chapter 20, part 2, and the provisions of Title 53, chapter 20, part 2, apply to [section 1].  
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16           NEW SECTION. SECTION 5. EFFECTIVE DATE. [THIS ACT] IS EFFECTIVE ON PASSAGE AND APPROVAL.  
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