

SENATE BILL NO. 209

INTRODUCED BY J. ESP

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A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES TO HAVE OR TO ENSURE A PHYSICAL PRESENCE FOR CERTAIN SERVICES IN COUNTIES WITH POPULATIONS EXCEEDING A SPECIFIC LEVEL; AMENDING SECTIONS 52-2-112, 53-1-603, 53-2-301, AND 53-20-205, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

Section 1. Section 52-2-112, MCA, is amended to read:

"52-2-112. Duty to strengthen child welfare services. (1) The department shall ~~make provision~~ provide for establishing and strengthening child welfare services, including protective services as defined in 41-3-102, and for care of children in registered or licensed family foster homes, child-care agencies, group homes, or treatment facilities.

(2) To carry out its duties under Title 41, chapter 3, and this part, the department shall establish and maintain an appropriately staffed office at a physical location in the county seat of each county with a population of at least 9,000. An office must have scheduled office hours:

(a) at least 2 days a week in a county with a population of 9,000 to 12,000; and

(b) at least 4 days a week in a county with a population of 12,000 or more.

(3) Payment provided under this section is made under the provisions of 41-3-115 and 52-2-611."

Section 2. Section 53-1-603, MCA, is amended to read:

"53-1-603. Powers and duties of department of public health and human services. The department of public health and human services shall:

(1) adopt rules for the admission, custody, transfer, and release of persons in department programs except as otherwise provided by law. However, rules adopted by the department may not amend or alter the statutory powers and duties of the board of pardons and parole.

(2) subject to the functions of the department of administration, lease or purchase lands for use by institutions and classify those lands to determine those that may be most profitably used for agricultural purposes,

1 taking into consideration the needs of all institutions for the food products that can be grown or produced on the
 2 lands and the relative value of agricultural programs in the treatment or rehabilitation of the persons confined in
 3 the institutions;

4 (3) use the staff and services of other state agencies and units of the Montana university system, within
 5 their respective statutory functions, to carry out its functions under this title;

6 (4) propose programs to the legislature to meet the projected long-range needs of institutions, including
 7 programs and facilities for the diagnosis, treatment, care, and aftercare of persons placed in institutions; and

8 (5) encourage the establishment of programs at the local level for the prevention and rehabilitation of
 9 disabilities as they relate to mental illness and chemical dependency. The department shall require a provider
 10 of mental illness or chemical dependency treatment services to establish and maintain a program at a physical
 11 location in the county seat of each county with a population of at least 12,000. The program must have scheduled
 12 hours at least 3 days a week.

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14 **Section 3.** Section 53-2-301, MCA, is amended to read:

15 **"53-2-301. Local offices of public assistance to be established by department.** (1) The department
 16 shall establish one or more local offices of public assistance in each county of the state. If Except as provided
 17 in subsection (2), if conditions warrant, two or more counties may be combined into one administrative unit and
 18 the department may use the same local office of public assistance and staff to administer public assistance in
 19 the combined counties.

20 (2) The department shall establish and maintain an appropriately staffed office at a physical location in
 21 the county seat of each county with a population of at least 9,000. An office must have scheduled office hours:

22 (a) at least 2 days a week in a county with a population of 9,000 to 12,000; and

23 (b) at least 4 days a week in a county with a population of 12,000 or more."

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25 **Section 4.** Section 53-20-205, MCA, is amended to read:

26 **"53-20-205. Community services.** (1) The department may establish and administer community
 27 comprehensive services, programs, clinics, or other facilities throughout the state for the purpose of aiding in the
 28 prevention, diagnosis, amelioration, or treatment of developmental disabilities. Programs, clinics, or other services
 29 may be provided directly by state agencies or indirectly through contract or cooperative arrangements with other
 30 agencies of government, regional or local, private or public agencies, private professional persons, or accredited

1 health or long-term care facilities.

2 (2) (a) The department may contract for programs for developmental disabilities services. Contracts
3 entered into by the department must contain specific conditions for performance by the contractor, including a
4 requirement that, at a minimum, a contractor serving any region of the state provide a full array of services at a
5 physical location in the county seat of each county in the region with a population of at least 12,000.

6 (b) The department shall set minimum standards for programs and establish appropriate qualifications
7 for persons employed in the programs.

8 (3) All developmental disabilities facilities and services must comply with existing federal guidelines and
9 with requirements that will enable the services and facilities to qualify for available aid funds. However, this
10 section does not require facilities serving persons with developmental disabilities to meet the same or equal
11 standards as licensed medical facilities unless the developmental disabilities facility is providing professional or
12 skilled medical care.

13 (4) Comprehensive services, programs, clinics, or other facilities established or provided by the
14 department under this part must conform as nearly as possible to the plans of the council created under
15 2-15-1869.

16 (5) The department may promote scientific and medical research investigations relative to the incidence,
17 cause, prevention, and care of persons with developmental disabilities."
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19 **NEW SECTION. Section 5. Effective date.** [This act] is effective July 1, 2019.

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