

HOUSE BILL NO. 69

INTRODUCED BY K. KELKER

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

A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING REQUIREMENTS FOR CRISIS RESPONSE SERVICES IN THE DEVELOPMENTAL DISABILITIES SYSTEM; PROVIDING RULEMAKING AUTHORITY; PROVIDING AN APPROPRIATION; PROVIDING DIRECTION TO THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES ON THE USE OF EXISTING FUNDING; AMENDING SECTION 53-20-204, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

**NEW SECTION. Section 1. Crisis response services -- department and provider responsibilities.**

(1) The department shall establish a crisis response program for providers of community developmental disabilities services and for families of people with developmental disabilities. The program shall assist providers and families with preventing or intervening in situations that place a person with developmental disabilities at risk of incarceration, hospitalization, civil commitment, or loss of the person's placement in community services.

(2) The crisis response program shall consist of:

(a) a preventive level of response that involves training providers and families in methods for identifying and preventing potential crisis situations and for responding to a crisis situation in its initial stages before the situation escalates in a manner that requires a higher level of intervention;

(b) an intermediate level of response that involves direct services in a person's community placement for a person who is in or approaching a crisis situation if the situation requires intervention; and

(c) an advanced level of response that involves the provision of crisis support services by providers who are qualified to meet the needs of a person experiencing a crisis situation when the services must be provided outside of the person's current community placement. A provider offering crisis support services at this level must receive an enhanced reimbursement rate that reflects the higher level of support being provided to the person in crisis.

(3) (a) Providers shall:

(i) contact the crisis response program for assistance when a person with developmental disabilities is

1 in or approaching crisis; and

2 (ii) implement the suggestions made for crisis response.

3 (b) If the person needs the highest level of response, the department shall find an appropriate placement  
4 for the person if the provider is unable to offer the level of response needed to mitigate the crisis situation and  
5 maintain the person in the current placement.

6 (4) (a) A person offering training in crisis response or providing direct crisis response services must:

7 (i) be licensed in the practice of applied behavior analysis pursuant to Title 37, chapter 17; and

8 (ii) meet other requirements established by the department by rule.

9 (b) If a team of individuals is offering training under this section, at least one member of the team must  
10 meet the licensure requirements of Title 37, chapter 17.

11 (5) The department may provide the training and direct services offered at the preventive and  
12 intermediate levels of response or may contract for the services.

13 (6) In developing and carrying out the crisis response program, the department shall consult with and  
14 include other entities that respond to crisis situations involving persons with developmental disabilities, including  
15 but not limited to law enforcement agencies, hospitals, and mental health providers.

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17 **Section 2.** Section 53-20-204, MCA, is amended to read:

18 **"53-20-204. Rules.** (1) The department may adopt rules necessary for the proper administration of this  
19 part, including but not limited to:

20 (a) the training and other standards necessary to provide crisis support services as allowed under  
21 [section 1(2)(c)]; and

22 (b) the reimbursement rates for crisis support services provided pursuant to [section 1(2)(c)].

23 (2) The department shall adopt rules in cooperation with the board of nursing under which a properly  
24 trained staff member of a facility providing services to persons with developmental disabilities under this part may  
25 assist and supervise a client of the facility in taking medication if the medication is usually self-administered and  
26 if a physician has prescribed the assistance."

27

28 **NEW SECTION. Section 3. Appropriation.** (1) There is appropriated \$476,725 from the federal special  
29 revenue fund and \$476,725 from the general fund to the department of public health and human services for the  
30 biennium beginning July 1, 2019.

1 (2) The appropriation may be used only for the crisis response program provided for in [section 1].

2 (3) The legislature intends that funding for the program be considered a part of the ongoing base for the  
3 next legislative session.

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5 **NEW SECTION. Section 4. Direction to the department of public health and human services --**

6 **reporting requirement.** (1) The department of public health and human services shall REPLACE THE SERVICES  
7 NOW PROVIDED BY THE BEHAVIOR CONSULTATION TEAM IN THE DEVELOPMENTAL SERVICES DIVISION WITH THE CRISIS  
8 RESPONSE PROGRAM ESTABLISHED PURSUANT TO [SECTION 1]. DURING THE BIENNIUM BEGINNING JULY 1, 2019, THE  
9 DEPARTMENT SHALL develop the crisis response program provided for in [section 1] during the biennium beginning  
10 July 1, 2019, by using new funding appropriated by [this act] and by redirecting funding used for the existing  
11 behavior consultation team to provide the services described in [section 1] BY USING THE APPROPRIATION IN  
12 [SECTION 3], WHICH IS INTENDED TO CONSIST OF:

13 (A) \$359,000 IN FEDERAL SPECIAL REVENUE MONEY AND \$359,000 IN GENERAL FUND MONEY BUILT INTO THE  
14 BASE BUDGET IN THE HOUSE BILL NO. 2 APPROPRIATION FOR THE DEVELOPMENTAL SERVICES DIVISION FOR THE 2021  
15 BIENNIUM AND REPRESENTING THE AMOUNT OF MONEY ALLOCATED FOR THE BEHAVIOR CONSULTATION TEAM IN THE 2019  
16 BIENNIUM; AND

17 (B) \$117,725 IN ADDITIONAL FEDERAL SPECIAL REVENUE MONEY AND \$117,725 IN ADDITIONAL GENERAL FUND  
18 MONEY APPROPRIATED FOR THE PURPOSES OF [SECTION 1].

19 (2) THE APPROPRIATION IN [SECTION 3] AND THE COORDINATION INSTRUCTION IN [SECTION 6] REPRESENT THE  
20 LEGISLATURE'S INTENT THAT THE CRISIS RESPONSE PROGRAM BE FUNDED WITH A COMBINATION OF EXISTING FUNDING  
21 AND NEW FUNDING.

22 ~~(2)~~(3) The department may implement the crisis response program in areas of the state with the highest  
23 need if existing funding does not allow for development of a statewide crisis response program.

24 ~~(3)~~(4) The department shall report to the 2019-2020 children, families, health, and human services  
25 interim committee on:

26 (a) the status of the implementation of the crisis response program;

27 (b) the number of community providers who received training in crisis prevention and intervention;

28 (c) the amount and type of direct services provided to individuals in their community placement settings  
29 pursuant to [section 1(2)(b)];

30 (d) the number of individuals receiving advanced crisis support services pursuant to [section 1(2)(c)] and

1 the cost of the services provided;

2 (e) to the extent possible, the degree to which higher levels of crisis response were avoided because  
3 of the training, prevention, or intervention services that were provided; and

4 (f) the cost of expanding the program in the future, if a statewide program cannot be carried out within  
5 existing resources.

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7 **NEW SECTION. Section 5. Codification instruction.** [Section 1] is intended to be codified as an  
8 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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10 **COORDINATION SECTION. Section 6. Coordination instruction.** If both House Bill No. 2 and [this  
11 act] are passed and approved and this act contains an appropriation from the federal special revenue fund and  
12 the general fund to the department of public health and human services totaling \$718,000 or more for the  
13 biennium beginning July 1, 2019, then the House Bill No. 2 appropriation for the developmental services division  
14 of the department of public health and human services must be reduced by the following amounts in each year  
15 of the biennium:

16 \$179,500 federal special revenue  
17 \$179,500 general fund

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19 **NEW SECTION. Section 7. Effective date.** [This act] is effective July 1, 2019.

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