

1 HOUSE BILL NO. 691

2 INTRODUCED BY D. LENZ

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING REQUIREMENTS FOR CRISIS RESPONSE
5 SERVICES IN THE DEVELOPMENTAL DISABILITIES SYSTEM; PROVIDING DIRECTION TO THE
6 DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES ON THE USE OF EXISTING FUNDING;
7 PROVIDING RULEMAKING AUTHORITY; PROVIDING AN APPROPRIATION; AMENDING SECTION 53-20-
8 204, MCA; AND PROVIDING AN EFFECTIVE DATE."

9
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11
12 NEW SECTION. **Section 1. Crisis response services -- department and provider**

13 **responsibilities.** (1) (a) The department shall establish crisis response services to help individuals with
14 developmental disabilities minimize or avoid instances of crisis. The services must assist providers and families
15 in preventing, deescalating, and intervening in instances in which individuals with developmental disabilities are
16 likely to go into crisis.

17 (b) For the purposes of this section, "crisis" means an instance in which an individual is upset, afraid,
18 confused, or otherwise experiencing emotional or physical disequilibrium, which negatively affects the
19 individual's actions and places the individual at risk of incarceration, hospitalization, civil commitment, or loss of
20 the individual's placement in community services.

21 (2) The crisis response services must consist of three different levels of prevention, intervention, and
22 crisis support services:

23 (a) a preventive level of response that involves training providers and families in identifying and
24 preventing crisis and in responding to a crisis in its initial stages before the crisis escalates to require a higher
25 level of intervention;

26 (b) an intermediate level of response that involves providing direct professional staff support to an
27 individual in the individual's current community placement when the individual is in or is approaching crisis; and

28 (c) an advanced level of response that involves qualified providers providing support services to an

1 individual approaching or in crisis outside of the individual's current community placement. A provider offering
2 crisis support services at this level must receive an enhanced reimbursement rate that reflects the higher level
3 of support being provided to the individual in crisis.

4 (3) (a) To access crisis response services, providers shall:

5 (i) contact the department for assistance when an individual with developmental disabilities is in or is
6 approaching crisis; and

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

8 (b) If the individual needs the highest level of response, the department shall find an appropriate
9 placement for the individual if the provider is unable to offer the level of response needed to mitigate the crisis
10 and maintain the individual in the current placement.

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

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

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

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

16 (5) The department may not provide the training or direct services described under this section and
17 shall contract with one or more private entities for the services.

18 (6) In developing and carrying out crisis response services, the department shall consult with and
19 include other entities that respond to crisis situations involving individuals with developmental disabilities,
20 including but not limited to law enforcement agencies, hospitals, and mental health providers.

21

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

23 "**53-20-204. Rules.** (1) The department may adopt rules necessary for the proper administration of
24 this part, including but not limited to:

25 (a) the training and other standards necessary to provide crisis support services as allowed under
26 [section 1]; and

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

28 (2) The department shall adopt rules in cooperation with the board of nursing under which a properly

1 trained staff member of a facility providing services to persons with developmental disabilities under this part
 2 may assist and supervise a client of the facility in taking medication if the medication is usually self-
 3 administered and if a physician has prescribed the assistance."
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5 **NEW SECTION. Section 3. Appropriation.** (1) There is appropriated ~~\$476,725~~ ~~\$359,000~~ \$231,000
 6 from the federal special revenue fund and ~~\$476,725~~ ~~\$359,000~~ \$231,000 from the general fund to the
 7 department of public health and human services for the biennium beginning July 1, 2021.

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

9 (3) The legislature intends that funding for the program be considered a part of the ongoing base for
 10 the next legislative session.
 11

12 **NEW SECTION. Section 4. Direction to department of public health and human services --**
 13 **reporting requirement.** (1) The department of public health and human services shall replace the services
 14 currently provided by the behavior consultation team in the developmental services division with the crisis
 15 response services established pursuant to [section 1]. During the biennium beginning July 1, 2021, the
 16 department shall develop the crisis response services provided for in [section 1] by using the appropriation in
 17 [section 3], which is intended to consist of:

18 ~~(a) \$359,000 in federal special revenue money and \$359,000 in general fund money built into the~~
 19 ~~base budget in the House Bill No. 2 appropriation for the developmental services division for the 2023 biennium~~
 20 ~~and representing the amount of money allocated for the behavior consultation team in the 2021 biennium; and~~

21 ~~(b) \$117,725 in additional federal special revenue money and \$117,725 in additional general fund~~
 22 ~~money appropriated for the purposes of [section 1].~~

23 (2) The appropriation in [section 3] and the coordination instruction in [section 6] represent the
 24 legislature's intent that the crisis response services be funded with a combination of existing ~~funding and new~~
 25 ~~funding~~ FEDERAL SPECIAL REVENUE AND GENERAL FUND MONEY.

26 (3) The department may implement the crisis response services in areas of the state with the highest
 27 need if existing funding does not allow for development of statewide crisis response services.

28 (4) The department shall report to the 2021-2022 children, families, health, and human services

1 interim committee on:

2 (a) the status of the implementation of the crisis response services;

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

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

6 (d) the number of individuals receiving advanced crisis support services pursuant to [section 1(2)(c)]
7 and the cost of the services provided;

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

10 (f) the cost of expanding the program in the future, if statewide services cannot be carried out within
11 existing resources.

12
13 **NEW SECTION. Section 5. 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].

15
16 **COORDINATION SECTION. Section 6. Coordination instruction.** If both House Bill No. 2 and [this
17 act] are passed and approved and [this act] contains an appropriation from the federal special revenue fund
18 and the general fund to the department of public health and human services totaling \$718,000 or more for the
19 biennium beginning July 1, 2021, then the House Bill No. 2 appropriation for the developmental services
20 division of the department of public health and human services must be reduced by the following amounts in
21 each year of the biennium:

22 ~~\$179,500~~ \$115,500 federal special revenue

23 ~~\$179,500~~ \$115,500 general fund.

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25 **NEW SECTION. Section 7. Effective date.** [This act] is effective July 1, 2021.

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