



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

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

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

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

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

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

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

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

individual approaching or in crisis outside of the individual'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 individual in crisis.

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

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

(ii) implement the suggestions made for crisis response.

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

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

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

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

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

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

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

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

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

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

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

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

trained staff member of a facility providing services to persons with developmental disabilities under this part may assist and supervise a client of the facility in taking medication if the medication is usually self-administered and if a physician has prescribed the assistance."

Section 3. Appropriation. (1) There is appropriated \$231,000 from the federal special revenue fund and \$231,000 from the general fund to the department of public health and human services for the biennium beginning July 1, 2021.

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

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

Section 4. Direction to department of public health and human services -- reporting requirement. (1) The department of public health and human services shall replace the services currently provided by the behavior consultation team in the developmental services division with the crisis response services established pursuant to [section 1]. During the biennium beginning July 1, 2021, the department shall develop the crisis response services provided for in [section 1] by using the appropriation in [section 3], which is intended to consist of money built into the base budget in the House Bill No. 2 appropriation for the developmental services division for the 2023 biennium and representing the amount of money allocated for the behavior consultation team in the 2021 biennium.

(2) The appropriation in [section 3] and the coordination instruction in [section 6] represent the legislature's intent that the crisis response services be funded with a combination of existing federal special revenue and general fund money.

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

(4) The department shall report to the 2021-2022 children, families, health, and human services interim committee on:

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

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

- (c) the amount and type of direct services provided to individuals in their community placement settings pursuant to [section 1(2)(b)];
- (d) the number of individuals receiving advanced crisis support services pursuant to [section 1(2)(c)] and the cost of the services provided;
- (e) to the extent possible, the degree to which higher levels of crisis response were avoided because of the training, prevention, or intervention services that were provided; and
- (f) the cost of expanding the program in the future, if statewide services cannot be carried out within existing resources.

Section 5. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 53, chapter 20, part 2, and the provisions of Title 53, chapter 20, part 2, apply to [section 1].

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

\$115,500 federal special revenue

\$115,500 general fund.

Section 7. Effective date. [This act] is effective July 1, 2021.

- END -

I hereby certify that the within bill,
HB 691, originated in the House.

Chief Clerk of the House

Speaker of the House

Signed this _____ day
of _____, 2021.

President of the Senate

Signed this _____ day
of _____, 2021.

HOUSE BILL NO. 691

INTRODUCED BY D. LENZ

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