

Unofficial Draft Copy

As of: August 27, 2018 (8:30am)

LCCF05

**** Bill No. ****

Introduced By *****

By Request of the *****

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."

Be it enacted by the Legislature of the State of Montana:

NEW SECTION. **Section 1. Regulatory streamlining.** (1) The department 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 areas identified pursuant to subsection (1),

the department shall review the identified administrative rules, policies, and procedures to:

(a) determine the costs and benefits to providers of community services and the state of continuing the rule, policy, or procedure;

(b) eliminate rules, policies, or procedures that are determined not to be cost effective;

(c) eliminate duplication in oversight and monitoring requirements; and

(d) create consistency in the application of a rule, policy, or procedure where necessary.

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

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

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

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

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

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

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

(2) initiate a preventive developmental disabilities

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

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

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

(5) provide by rule for the evaluation of:

(a) persons who apply for services;

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

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

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

~~(6)~~(7) receive from agencies of the government of the

United States and other agencies, persons or groups of persons, associations, firms, or corporations grants of money, receipts from fees, gifts, supplies, materials, and contributions to initiate and maintain developmental disabilities services within the state;

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

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

{*Internal References to 53-20-203: None.*}

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

NEW SECTION. **Section 4. {standard} Codification instruction.** [Section 1] is intended to be codified as an integral part of Title 53, chapter 20, part 2, and the provisions

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of Title 53, chapter 20, part 2, apply to [section 1].

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{Name : Sue O'Connell
Title : Research Analyst
Agency: Legislative Services Division-136B
Phone : (406) 444-3597
E-Mail: soconnell@mt.gov}