



AN ACT REQUIRING MONITORING OF MONTANA DEVELOPMENTAL CENTER RESIDENTS, INCLUDING THOSE WHO HAVE TRANSITIONED OUT OF THE FACILITY AS REQUIRED UNDER SENATE BILL NO. 411 OF 2015; PROVIDING RULEMAKING AUTHORITY; AMENDING SECTION 53-20-203, MCA; AND PROVIDING AN APPLICABILITY DATE.

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

Section 1. Legislative findings -- purpose. (1) The legislature finds that the Montana developmental center has served as a placement of last resort for seriously developmentally disabled individuals, many of whom have co-occurring mental health conditions.

(2) The legislature further finds that as the department has been carrying out the process of closing the Montana developmental center pursuant to Chapter 444, Laws of 2015, family members of Montana developmental center residents, community service providers, and community members have expressed concern that community facilities may not be equipped to provide appropriate care and treatment for some of the residents.

(3) The legislature further finds that family members have expressed concern that their developmentally disabled relatives may not maintain the progress they have made in treatment at the Montana developmental center as they move to new and unfamiliar settings.

(4) It is the intent of the legislature that the department monitor the skills, abilities, and behaviors of Montana developmental center residents while they are in the care and custody of the state and as they transition to the community in order to ensure that the individuals remain safe, maintain or improve their skills and abilities, and find a home that provides the most appropriate services in the least restrictive setting possible.

Section 2. Department monitoring of Montana developmental center residents -- report to legislature. (1) The department shall monitor:

(a) individuals released from the Montana developmental center and placed in a community home as

defined in 53-20-302 for 2 years after placement in a community home; and

(b) for the duration of their residency, individuals who are admitted to and residing at the Montana developmental center.

(2) The department shall evaluate on a quarterly basis behaviors in the following areas to determine whether the skills, abilities, and behaviors of an individual subject to this section have improved, diminished, or remained unchanged:

- (a) verbal or nonverbal communication, as appropriate for the individual;
- (b) activities of daily living;
- (d) emotional well-being;
- (e) physical aggression; and
- (f) sexually inappropriate behaviors.

(3) The department shall report on the results of the monitoring:

(a) at least quarterly to family members and guardians of the individuals if the family members and guardians are authorized to receive health care information; and

(b) annually to the children, families, health, and human services interim committee. The report to the interim committee may provide information only in an aggregate form and may not contain any individually identifying information.

Section 3. 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 or;
(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 [section 2];

(6) 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) 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) 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."

Section 4. Codification instruction. [Sections 1 and 2] are 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 [sections 1 and 2].

Section 5. Applicability. (1) [This act] applies to individuals who are admitted into or residing at the Montana developmental center on or after October 1, 2017, or were released from the Montana developmental center on or after May 6, 2015, and placed in a community home as defined in 53-20-302.

(2) The 2-year time period for monitoring of individuals released from the Montana developmental center into a community home begins:

(a) on October 1, 2017, for individuals who were released from the Montana developmental center on or before October 1, 2017; and

(b) for individuals released after October 1, 2017, on the date of an individual's release from the Montana developmental center.

- END -

I hereby certify that the within bill,
HB 0458, originated in the House.

Speaker of the House

Signed this _____ day
of _____, 2017.

Chief Clerk of the House

President of the Senate

Signed this _____ day
of _____, 2017.

HOUSE BILL NO. 458

INTRODUCED BY K. WAGONER

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