2025 Proposed Legislation Concepts

Title: 6901-22-001 Amending 52-3-308 Neglect to Include Self-Neglect
Agency Name: DPHHS-SLTCD- Adult Protective Services
Agency Contact/Phone: Trevor Tangen / 406-970-0451 / Trevor.Tangen@mt.gov
Date: 8/14/2024

1. **What is the purpose of the proposed legislation?**
   Amend the definition of "neglect" in Montana Code Annotated (MCA) to include “self-neglect” and provide a definition of that term.

2. **What is the background?**
   Adult Protective Services (APS) receives reports for abuse, neglect, and exploitation of vulnerable adults, which includes reports of self-neglect. However, there is no legal definition of self-neglect in MCA. The US Administration of Community Living, a component of the US Department of Health and Human Services, issued for the first time federal APS Rules that went into effect on June 7, 2024, *see* 89 Fed. Reg. 39488 (May 8, 2024), adding 45 C.F.R. Part 1324 Subpart D, and are required to be implemented by May of 2028. Included in these federal rules is a definition of self-neglect.

3. **If possible, please list the MCA (Montana Code Annotated) sections that would need to be amended.**
   52-3-803

4. **Please list anticipated fiscal impact by fund type.** *(Dollar amounts, funding source, and FTE if known)*
   No fiscal impact is expected from this request.

5. **Please list anticipated controversy or impact on other state agencies or special interest groups.**
   There is no anticipated controversy or impact on other state agencies or special interest groups because of this request.

6. **Has similar legislation been requested in the past, been introduced in another state, or provided as a model act? If so, please provide a citation, reference, or point of contact.**
   ACL final APS rules: Federal Register: Adult Protective Services Functions and Grants Programs. 89 Fed. Reg. 39488 (May 8, 2024), adding 45 C.F.R. Part 1324 Subpart D.