

Amendment - 2nd Reading-yellow - Requested by: Mary Caferro - (H) Committee of the Whole

- 2025

69th Legislature 2025

Drafter: Milly Allen,

HB0949.001.001

HOUSE BILL NO. 949

INTRODUCED BY M. CAFERRO

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES TO ESTABLISH A FEE SCHEDULE AND ADMINISTRATIVE RULES TO ADDRESS THE PAYMENT OF COSTS ASSOCIATED WITH THE COMMITMENT OF INDIVIDUALS TO CERTAIN COMMUNITY FACILITIES; ESTABLISHING REPORTING REQUIREMENTS; PROVIDING RULEMAKING AUTHORITY; PROVIDING AN APPROPRIATION; AND AMENDING SECTIONS 53-21-149 AND 53-21-193, MCA."

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

NEW SECTION. Section 1. Reporting requirement. Before September 1 of each even-numbered year, the department of public health and human services shall report to the children, families, health, and human services interim committee in accordance with 5-11-210. The report must include the following information:

(1) the number of individuals committed pursuant to 53-21-127(3)(a) and (3)(b) and aggregate information on the facilities to which they were committed; and

(2) the number of individuals detained pursuant to 53-21-124 and aggregate information on the facilities in which they were detained.

Section 2. Section 53-21-149, MCA, is amended to read:

"53-21-149. Conditions of treatment in community facility, program, or course of treatment. If the court orders a disposition under 53-21-127(3)(b), the court may order the following conditions for treatment in a community facility or program, or may order a course of treatment, including but not limited to:

(1) (a) following a treatment plan developed pursuant to 53-21-150 that may include case management services, medication, short-term inpatient treatment, chemical dependency treatment, assertive

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community treatment, or a combination, as set forth by the designated community facility or program or the individual responsible for the management and supervision of the respondent's treatment; or

(2)(b) specific residential or housing requirements that may include being under the care or custody of a relative or guardian.

(2) The department of public health and human services shall establish a fee schedule and administrative rules to address the payment of costs associated with the commitment of a person:

(a) to a community facility or program pursuant to this section; or

(b) to the state hospital, for the period of time between obtaining an order of commitment for the person and the person's admission to the state hospital."

Section 3. Section 53-21-193, MCA, is amended to read:

"53-21-193. Commitment to behavioral health inpatient facilities -- preference -- voluntary treatment. (1) If a respondent is committed to the state hospital under 53-21-127 or if a person in an emergency situation requires detention under 53-21-129 and a bed is available at a behavioral health inpatient facility, the professional person shall inform the county attorney who shall inform the person who is responsible for transporting the individual as to the appropriate facility to which the individual is to be transported for admission.

(2) If a respondent is committed to or an individual requires emergency detention in a behavioral health inpatient facility, the facility must be notified and the facility shall state that a bed is available and agree to accept transfer of the patient based on admission criteria before an individual may be transferred to the behavioral health inpatient facility under this section.

(3) A respondent who is committed to or an individual who is transferred to a behavioral health inpatient facility may be transferred to the state hospital for the remaining period of commitment in accordance with criteria established by the department by rule pursuant to 53-21-194. A court order for commitment or transfer must include the transfer authority, and all conditions contained in the court order apply after a transfer.

(4) The court may not order commitment of the respondent or transfer of an individual to a behavioral health inpatient facility under this part if a bed is not available or if the licensed capacity would be