

HOUSE BILL NO. 25

INTRODUCED BY K. KELKER

BY REQUEST OF THE CHILDREN, FAMILIES, HEALTH, AND HUMAN SERVICES INTERIM COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE USE OF STANDARDIZED TOOLS TO ASSESS THE SUPPORT NEEDS OF PEOPLE WITH DEVELOPMENTAL DISABILITIES LIVING IN COMMUNITY SETTINGS; PROVIDING FOR TRANSITION TO THE USE OF NEW ASSESSMENT TOOLS; EXTENDING RULEMAKING AUTHORITY; AMENDING SECTIONS 53-20-203, 53-20-204, AND 53-20-209, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

NEW SECTION. **Section 1. Use of assessment tool -- frequency of assessment.** (1) (a) The department shall assess the types of support an individual needs to live successfully in the community. The department shall conduct the assessments using a multidisciplinary approach that must include the use of appropriate, valid, and reliable standardized assessment tools and other relevant assessments ~~as appropriate~~ FOR THE FULL SPECTRUM OF NEEDS, AS SPECIFIED IN SUBSECTION (1)(B). Additional assessments may include but are not limited to structured observations and evaluation of a person's abilities and needs, including but not limited to behavioral health needs, the ability to perform activities of daily living, and the ability to communicate wants and needs to others.

(B) IN ASSESSING THE SUPPORT NEEDS OF INDIVIDUALS ENTERING INTO OR PARTICIPATING IN THE HOME AND COMMUNITY-BASED SERVICES WAIVER, THE DEPARTMENT SHALL USE A RANGE OF ASSESSMENT TOOLS THAT INCLUDE A BASIC STANDARDIZED INSTRUMENT FOR INITIAL INTAKE AND REGULAR ASSESSMENT OF ALL WAIVER PARTICIPANTS AND, FOR SMALLER SUBSETS OF INDIVIDUALS:

(I) MORE SPECIALIZED ASSESSMENT TOOLS FOR INDIVIDUALS WHO NEED ADDITIONAL ASSESSMENTS BECAUSE OF CHANGES IN BEHAVIOR OR ABILITIES; AND

(II) IN-DEPTH ASSESSMENT TOOLS FOR USE WITH INDIVIDUALS WHO ARE NOT COMPLYING WITH NORMAL ROUTINES OF DAILY LIVING OR WHO ARE EXHIBITING HARMFUL OR DESTRUCTIVE BEHAVIORS TOWARD THEMSELVES OR OTHERS.

~~(b)~~(C) The individual's personal support planning team shall recommend to the department the type and amount of services the individual needs based on the results of the assessments.

- 1 (2) The department shall assess an individual's needs at the following times:
- 2 (a) upon acceptance into the home and community-based services waiver for the developmental
- 3 disabilities program;
- 4 (b) when an individual committed to or residing at the Montana developmental center or committed to
- 5 the intensive behavior center provided for in 53-20-602 is considered ready to return to the community; and
- 6 (c) for individuals receiving waiver services, every 3 years or upon the occurrence of a significant change
- 7 of condition.

8 (3) The department shall establish by rule:

- 9 (a) a process for providers of community developmental disability services to request a reassessment
- 10 for a significant change of condition; and
- 11 (b) the procedure the department shall use to evaluate the request.

12

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

14 **"53-20-203. Responsibilities of department.** The department shall:

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

16 disabilities;

17 (2) initiate a preventive developmental disabilities program that must include but not be limited to the

18 implementation of developmental disabilities care, treatment, prevention, and research as can best be

19 accomplished by community-centered services. Every means must be used to initiate and operate the service

20 program in cooperation with local agencies under the provisions of 53-20-205.

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

22 (4) prepare an annual comprehensive plan for the initiation and maintenance of developmental

23 disabilities services in the state. The services must include but not be limited to community comprehensive

24 developmental disabilities services as ~~referred to~~ listed in 53-20-202(1).

25 (5) provide by rule for ~~the evaluation of~~:

26 (a) the evaluation of persons who apply for services;

27 (b) the assessment, in accordance with [section 1], of persons admitted into a program at a

28 developmental disability facility or considered ready to return to the community from the Montana developmental

29 center or the intensive behavior center provided for in 53-20-602; and

30 (c) the evaluation of persons residing at or released from the Montana developmental center into a

1 community home, in accordance with the requirements established in 53-20-225;

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

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

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

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12 **Section 3.** Section 53-20-204, MCA, is amended to read:

13 **"53-20-204. Rules.** (1) The department may adopt rules necessary for the proper administration of this
14 part, including but not limited to the process for requesting a reassessment of an individual's support needs
15 because of a significant change of condition and the procedure for evaluating the request for reassessment.

16 (2) The department shall adopt rules in cooperation with the board of nursing under which a properly
17 trained staff member of a facility providing services to persons with developmental disabilities under this part may
18 assist and supervise a client of the facility in taking medication if the medication is usually self-administered and
19 if a physician has prescribed the assistance."

20

21 **Section 4.** Section 53-20-209, MCA, is amended to read:

22 **"53-20-209. Eligibility for services.** (1) A person suspected of having a developmental disability is
23 eligible for an evaluation to determine whether the person is a person with developmental disabilities.

24 (2) If the department determines through a screening process that a person with developmental
25 disabilities is in need of available services and those services can be provided to the person, the department may
26 provide services available under Title 53, chapter 20, part 3, and this part following an assessment conducted
27 in accordance with [section 1]."

28

29 **NEW SECTION. Section 5. Transition.** The legislature intends that the department of public health and
30 human services establish the order in which individuals accepted into the comprehensive developmental

1 disabilities home and community-based services waiver on or before October 1, 2019, will be assessed in
2 accordance with the provisions of [section 1], giving priority to individuals whose needs for services have changed
3 most significantly since their last assessment. Providers and members of an individual's planning team may
4 suggest individuals for priority assessment.

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6 **NEW SECTION. Section 6. Codification instruction.** [Section 1] is intended to be codified as an
7 integral part of Title 53, chapter 20, part 2, and the provisions of Title 53, chapter 20, part 2, apply to [section 1].

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9 **NEW SECTION. Section 7. Effective date.** [This act] is effective July 1, 2019.

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