

1 HOUSE BILL NO. 458

2 INTRODUCED BY K. WAGONER

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING MONITORING OF MONTANA DEVELOPMENTAL
5 CENTER RESIDENTS WHO HAVE TRANSITIONED OUT OF THE FACILITY AS REQUIRED UNDER SENATE
6 BILL NO. 411 OF 2015; PROVIDING RULEMAKING AUTHORITY; AMENDING SECTION 53-20-203, MCA; AND
7 PROVIDING AN APPLICABILITY DATE."

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

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

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

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

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

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27 NEW SECTION. **Section 2. Department monitoring of transition to community -- report to**
28 **legislature.** (1) The department shall monitor individuals released from the Montana developmental center and
29 placed in a community home as defined in 53-20-302 for 2 years after placement in a community home.

30 (2) The department shall evaluate on a quarterly basis behaviors in the following areas to determine

1 whether the skills, abilities, and behaviors of an individual subject to this section have improved, diminished, or
 2 remained unchanged:

3 (a) verbal or nonverbal communication, as appropriate for the individual;

4 (b) activities of daily living;

5 (d) emotional well-being;

6 (e) physical aggression; and

7 (f) sexually inappropriate behaviors.

8 (3) The department shall report annually to the children, families, health, and human services interim
 9 committee on the results of the monitoring. The report may provide information only in an aggregate form and
 10 may not contain any individually identifying information.

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12 **Section 3.** Section 53-20-203, MCA, is amended to read:

13 **"53-20-203. Responsibilities of department.** The department shall:

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

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

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

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

24 (5) provide by rule for the evaluation of:

25 (a) persons who apply for services ~~or~~;

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

27 (c) persons released from the Montana developmental center into a community home pursuant to the
 28 requirements established in [section 2];

29 (6) receive from agencies of the government of the United States and other agencies, persons or groups
 30 of persons, associations, firms, or corporations grants of money, receipts from fees, gifts, supplies, materials, and

1 contributions to initiate and maintain developmental disabilities services within the state;

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

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

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9 NEW SECTION. Section 4. Codification instruction. [Sections 1 and 2] are intended to be codified
10 as an integral part of Title 53, chapter 20, part 2, and the provisions of Title 53, chapter 20, part 2, apply to
11 [sections 1 and 2].

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13 NEW SECTION. Section 5. Applicability. (1) [This act] applies to individuals who were released from
14 the Montana developmental center on or after May 6, 2015, and placed in a community home as defined in
15 53-20-302.

16 (2) The 2-year time period for monitoring begins:

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

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

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